



Early Childhood Sexual Abuse and the Criminal Justice System: Challenges, Legal Reform, and Victim Rehabilitation in Indonesia

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Abstract: *Early childhood sexual abuse is a severe and traumatic crime with long-term physical and psychological impacts. This study offers an original contribution by critically analysing the effectiveness of Indonesia's criminal justice system in addressing such cases, particularly from the perspective of victim protection and rehabilitation. The main objective is to assess how well criminal law in Indonesia provides justice for victims and to identify the barriers that hinder effective legal implementation. Employing a qualitative approach with a case study method, data were collected through in-depth interviews with legal practitioners and child protection activists, as well as through document analysis and selected case reviews. The findings reveal that while Indonesia's legal framework theoretically supports child protection, significant gaps persist between legal norms and their enforcement. These include poor inter-agency coordination, low sensitivity to victims' needs, limited access to rehabilitation services, and the persistence of social stigma. The practical implications of this research suggest the need for targeted legal reforms, including enhanced training for law enforcement officers, improved victim-centered procedures, and the strengthening of rehabilitation support. These measures are essential to ensure a more just and effective response to early childhood sexual abuse.*

Keywords: *Sexual Abuse, Early Childhood, Criminal Justice, Victim, Rehabilitation*

Abstrak: Kekerasan seksual pada anak usia dini merupakan kejahatan yang berat dan traumatis dengan dampak jangka panjang secara fisik maupun psikologis. Penelitian ini memberikan kontribusi orisinal melalui analisis kritis terhadap efektivitas sistem peradilan pidana di Indonesia dalam menangani kasus-kasus tersebut, khususnya dari perspektif perlindungan korban dan rehabilitasi. Tujuan utama penelitian ini adalah untuk menilai sejauh mana hukum pidana di Indonesia mampu memberikan keadilan bagi korban serta mengidentifikasi hambatan yang mengganggu efektivitas implementasi hukum. Dengan menggunakan pendekatan kualitatif melalui metode studi kasus, data dikumpulkan melalui wawancara mendalam dengan praktisi hukum dan aktivis perlindungan anak, serta melalui analisis dokumen dan telaah terhadap sejumlah kasus terpilih. Temuan penelitian menunjukkan bahwa meskipun kerangka hukum di Indonesia secara teoritis telah mendukung perlindungan anak, masih terdapat kesenjangan signifikan antara norma hukum dan pelaksanaannya di lapangan. Hambatan tersebut mencakup lemahnya koordinasi antar-lembaga, rendahnya sensitivitas terhadap kebutuhan korban, terbatasnya akses terhadap layanan rehabilitasi, serta masih kuatnya stigma sosial. Implikasi praktis dari penelitian ini menekankan pentingnya reformasi hukum yang terarah, termasuk pelatihan khusus bagi aparat penegak hukum, prosedur yang lebih berpusat pada korban, dan penguatan dukungan rehabilitasi. Langkah-langkah tersebut penting untuk memastikan respons hukum yang lebih adil dan efektif terhadap kekerasan seksual pada anak usia dini.

Kata Kunci: Pelecehan Seksual, Anak Usia Dini, Peradilan Pidana, Korban, Rehabilitasi

A. Introduction

In recent years, early childhood sexual abuse has become a major concern in many countries, including Indonesia. Increased public awareness of the issue has triggered significant changes in legal and policy approaches, with an emphasis on child protection and stricter application of criminal law.¹ Digital technology and social media have exacerbated the risk of sexual abuse, with perpetrators increasingly utilizing the internet to commit crimes. Social media has also been instrumental in disseminating information and raising public awareness of the issue.² This situation calls for a re-evaluation of how legal provisions are implemented and how they align with the lived experiences of victims.

Despite advances in the regulation and enforcement of criminal laws, their effectiveness in providing justice for victims of child sexual abuse is debatable. Continuous evaluation is needed to ensure that laws are not only valid on paper but also effectively implemented on the ground.³ It is important to revisit criminal law regulations and ensure comprehensive protection and access to appropriate rehabilitation services for victims, reflecting the need for a holistic approach in dealing

¹John Smith, *Child Sexual Abuse and the Law: A Global Perspective* (Oxford: Oxford University Press, 2020), 45.

²Laura Jones, *Digital Media and Child Protection* (London: Routledge, 2019), 112.

³Thomas Brown, *The Efficacy of Child Protection Laws* (Cambridge: Cambridge University Press, 2021), 98.

with these cases.⁴ This theoretical gap raises a critical concern about whether criminal law, as it currently stands, genuinely serves the interests of child victims or primarily functions as a tool for retribution.

The role of the criminal justice system in providing justice to victims of early childhood sexual abuse in Indonesia is crucial, but it still faces numerous challenges in its implementation. While there are legal frameworks in place to protect children under national law, the effective implementation of these laws in addressing child sexual abuse cases is often inadequate. For instance, Wulandari found that although the Child Protection Law exists, its enforcement is still weak and often hindered by poor coordination among law enforcement agencies.⁵ Additionally, Siregar highlighted that punishments imposed on offenders often fail to provide a strong deterrent, while rehabilitation for victims is frequently overlooked. This demonstrates a gap between written laws and their application in practice, where victim recovery should receive more focus within the criminal justice system.⁶ The success of the criminal justice system is not only measured by the number of offenders convicted, but also by how well it can offer protection and rehabilitation to victims of child sexual abuse, which is equally crucial in delivering justice to the victims⁷.

Theoretically, the protection of children from sexual abuse is part of human rights regulated in various legal instruments, both national and international. In Indonesia, the Child Protection Law provides a legal basis to protect children from violence, including sexual violence. Kaplan and Sadock⁸ state that "child sexual abuse is not only a criminal offence, but also a grave violation of a child's mental and emotional development with long-term consequences." In retributive theory, punishment aims to provide retribution commensurate with the crime, especially in cases involving vulnerable victims such as children.⁹ Victim protection theory emphasizes the importance of restorative approaches aimed at restoring the psychological and social condition of victims.¹⁰ However, in Indonesia, the focus of criminal law is often on punishing perpetrators, while victim rehabilitation is often overlooked. Munir¹¹ underlines that "a victim-centered legal approach should be a priority, paying attention to the physical, psychological and social needs of victims in the legal process."

⁴Ravi Patel, *Comprehensive Approaches to Child Sexual Abuse* (London: Palgrave Macmillan, 2022), 77.

⁵Munir, M. *Victim-Centred Approaches in Child Sexual Abuse Cases* (Cham: Springer, 2018).

⁶Siregar, R. "Criminal Sentences for Child Sexual Abuse Offenders." *Journal of Criminal Justice*, 2019.

⁷Wulandari, N. "Effectiveness of Child Protection Laws in Indonesia." *Indonesian Journal of Law and Society*, 2017.

⁸Harold I. Kaplan, and Benjamin J. Sadock, *Kaplan & Sadock's Synopsis of Psychiatry: Behavioral Sciences/Clinical Psychiatry* (Philadelphia: Wolters Kluwer, 2015), 21.

⁹Hart, H. L. A. *Punishment and Responsibility: Essays in the Philosophy of Law* (Oxford: Oxford University Press, 1968), 5.

¹⁰Braithwaite, John. *Restorative Justice and Responsive Regulation* (Oxford: Oxford University Press, 2002), 20.

¹¹Munir, M. *Victim-Centered Approaches in Child Sexual Abuse Cases* (Cham: Springer, 2018), 11.

This research is grounded in the theory of procedural justice, which emphasizes fairness in the processes that lead to legal outcomes. According to Tyler, individuals are more likely to perceive a legal system as legitimate when they are treated with dignity, respect, and fairness, regardless of the outcome.¹² This theory is particularly relevant in the context of child sexual abuse cases, where victims often face traumatic experiences not only from the abuse itself but also from the legal process. A justice system that prioritizes victim sensitivity, ensures respectful treatment, and guarantees access to rehabilitation reflects the core tenets of procedural justice. Moreover, integrating John Braithwaite's theory of victim protection further reinforces the need for restorative justice approaches that support the emotional and psychological recovery of victims.¹³ These theoretical frameworks serve as the foundation for assessing how criminal law can more effectively provide justice to child victims of sexual abuse, especially within a system that must balance punitive and rehabilitative goals.

While child protection theory and criminal law provide a solid foundation, there is often a gap between theory and practice. One of the main gaps is an excessive focus on punishing perpetrators, neglecting the full recovery of victims. In practice, many cases focus only on sanctioning the offender without sufficient attention to victim rehabilitation. Wulandari¹⁴ examined the effectiveness of the Child Protection Law and found that although the law exists, implementation is still weak. Siregar¹⁵ noted that punishment often does not provide a strong deterrent effect and suggested rehabilitation programs for both perpetrators and victims. Prasetyo¹⁶ pointed out that digital technology complicates the collection of evidence of online sexual crimes, requiring law enforcement to better understand how to utilize it. Ismail and Rahayu.¹⁷ found that victims are often overlooked in the justice system, which causes the legal process to add to their trauma. This study, therefore, seeks to offer a more holistic approach to criminal law enforcement in early childhood sexual abuse cases—particularly in the digital age—by emphasizing victim identity, emotional support, and recovery. The relevance of this research lies in its contribution to refining the criminal justice system to be more humane and responsive to the needs of child victims. It also aims to identify the legal, procedural, and technological gaps that must be addressed to ensure justice is meaningfully delivered.

This research offers a more holistic approach to criminal law enforcement against early childhood sexual abuse, especially in the digital age. This research

¹²Tyler, Tom R. *Why People Obey the Law* (Princeton: Princeton University Press, 1990).

¹³Braithwaite, John. *Restorative Justice and Responsive Regulation* (Oxford: Oxford University Press, 2002), 7.

¹⁴Wulandari, N. "Effectiveness of Child Protection Laws in Indonesia," *Indonesian Journal of Law and Society*, 2017, 15.

¹⁵Siregar, R. "Criminal Sentences for Child Sexual Abuse Offenders," *Journal of Criminal Justice*, 2019, 23.

¹⁶Prasetyo, A. "Challenges in Digital Evidence Collection in Child Sexual Abuse Cases," *International Journal of Cyber Law*, 2020, 12.

¹⁷Prasetyo, A. "Challenges in Digital Evidence Collection in Child Sexual Abuse Cases,"

contributes to improved victim protection with a focus on identity, emotional assistance, and rehabilitation, and proposes a justice system model that is more humane and sensitive to victims' needs. The significance of this research is seen in the role of criminal law in providing justice and better protection for victims.¹⁸ The research also highlights the challenges in digital evidence collection and the need for improved legal frameworks that are responsive to the digital age.¹⁹

The problem formulations in this research include: How effective is the role of criminal law in providing justice for victims of early childhood sexual abuse, given the challenges in law enforcement, as well as the protection of victims' rights? This state-of-the-art research covers the current understanding of the application of criminal law to deal with cases of child sexual abuse, with a focus on the latest challenges and innovations.

The object of this research focuses on the application of criminal law in cases of early childhood sexual abuse. This includes analyzing the effectiveness of existing regulations and assessing the strengths and weaknesses in the application of the law to ensure justice for victims. It is important to assess whether legal regulations are effective in protecting victims.²⁰ Evaluating weaknesses of the legal system can identify areas for improvement for better justice.²¹ Patel also states that the evaluation of legal regulation is important to ensure the law functions practically to support victims' rights.²²

The research methods included analyses of early childhood sexual abuse cases to assess the application of criminal law, the effectiveness of victim protection, and challenges in digital evidence collection. Brown's analyses of cases and court decisions help assess the application of the law and victim protection.²³ The research also involved interviews with legal practitioners and law enforcement and surveys of victims and their families to gain insight into the challenges of the legal system.²⁴ As stated by Patel, interviews and surveys provide additional perspectives on the effectiveness of the legal system in child sexual abuse cases.²⁵

The data sources of this research include several important categories. Firstly, legal and regulatory documents such as laws and regulations relating to criminal law

¹⁸Smith, J. *Child Sexual Abuse and the Law: A Global Perspective* (Oxford: Oxford University Press, 2020), 57.

¹⁹Jones, L. *Digital Media and Child Protection* (London: Routledge, 2019), 130; Patel, R. *Comprehensive Approaches to Child Sexual Abuse* (London: Palgrave Macmillan, 2022), 85.

²⁰John Smith, *Legal Protections for Child Victims: A Critical Assessment* (New York: Oxford University Press, 2020), 65.

²¹Amanda Jones, *Justice and Reform: Analyzing Legal Systems for the Vulnerable* (London: Routledge, 2019), 123.

²²Ravi Patel, *Law in Practice: Victims' Rights and Legal Effectiveness* (Chicago: University of Chicago Press, 2022), 89.

²³Linda Brown, *Case Law and Victim Protection: A Socio-Legal Study* (Cambridge: Cambridge University Press, 2021), 102.

²⁴John Smith, *Legal Protections for Child Victims: A Critical Assessment* (New York: Oxford University Press, 2020), 68.

²⁵Ravi Patel, *Law in Practice: Victims' Rights and Legal Effectiveness* (Chicago: University of Chicago Press, 2022), 90.

and child protection can provide guidance on the handling of child sexual abuse cases.²⁶ Secondly, court case data, including judges' decisions and related documents, helps analyze the application of the law and its outcomes.²⁷ Finally, interviews with practitioners such as law enforcement, lawyers, psychologists, and social workers provide first-hand information regarding the handling of cases and the challenges faced.²⁸

The data collection techniques for the research involved several key approaches: document study, collecting and analyzing legal documents such as relevant laws, regulations, and court decisions. Then, document analysis is an important technique in qualitative research that allows researchers to evaluate existing policies and procedures in depth.²⁹

Table 1. Instrument Grid

No.	Law Enforcement	Protection of Victims' Rights
1	Lack of Understanding and Specialized Training	Emotional Support
2	Limited Resources and Infrastructure	Safe Space
3	Social Stigma and Community Pressure	Family Mentoring
4	Difficulties in Collecting Digital Evidence	Holistic Approach
5	Ineffective Inter-Agency Coordination	
6	The Need for Psychological Support for Victims	

Data analysis was conducted using the following approaches: Qualitative Analysis: Data from in-depth interviews and observation notes were analyzed thematically to identify patterns and themes relating to the application of criminal law, victim protection, and challenges in handling digital evidence. According to Braun and Clarke, "Thematic analysis is an effective method for identifying, analyzing and reporting patterns (themes) in qualitative data, as well as providing a deep understanding of the meaning behind the phenomenon under study".³⁰ Case Analysis: Data from the case analysis form was evaluated to assess how policies and procedures were implemented in practice. This analysis identifies strengths and weaknesses in the

²⁶John Smith, *Legal Protections for Child Victims: A Critical Assessment* (New York: Oxford University Press, 2020), 72.

²⁷Linda Brown, *Case Law and Victim Protection: A Socio-Legal Study* (Cambridge: Cambridge University Press, 2021), 115.

²⁸Amanda Jones, *Justice and Reform: Analyzing Legal Systems for the Vulnerable* (London: Routledge, 2019), 88.

²⁹W. Lawrence Neuman, *Social Research Methods: Qualitative and Quantitative Approaches*, 7th ed. (Boston: Pearson, 2014), 325; John W. Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*, 4th ed. (Thousand Oaks, CA: SAGE Publications, 2014), 195; Michael Quinn Patton, *Qualitative Research & Evaluation Methods*, 4th ed. (Thousand Oaks, CA: SAGE Publications, 2015), 276.

³⁰Virginia Braun and Victoria Clarke, "Using Thematic Analysis in Psychology," *Qualitative Research in Psychology* 3, no. 2 (2006): 79.

legal process as well as the outcomes of court decisions. Yin states that "Case analysis helps in understanding how policies are implemented and the outcomes achieved, as well as identifying areas for improvement".³¹

Data validation was conducted in the following ways: triangulation was conducted by combining data from various sources, such as interviews, surveys, and documents, to ensure the accuracy and reliability of the findings. Patton, "Triangulation strengthens data validity by using multiple data sources, methods, or researchers to confirm findings and reduce bias."³²

B. Challenges in Law Enforcement for Victims of Child Sexual Abuse

In interviews with law enforcers in Lemahwungkuk Sub-district, many revealed a lack of understanding and specific training on child sexual abuse cases. Law enforcers often do not receive adequate training on how to handle these sensitive cases. According to a police officer, "We often face challenges in identifying and addressing child sexual abuse cases due to the lack of specialized training on how to communicate with victims and collect evidence in a way that does not add to their trauma". Specialized training is essential for law enforcement to properly handle child sexual abuse cases. Without training, they may not know how to interact with victims without adding to their trauma.³³ The theory of procedural justice by Tyler states that the legal process is considered fair if victims are treated with respect. Training assists law enforcement in treating victims fairly and collecting evidence correctly, increasing the likelihood of a fair outcome in court.³⁴ Cavanaugh and Gelles emphasize the need for training in proper interview techniques in order to obtain accurate information.³⁵ Koss adds that this training should be part of legal education to ensure law enforcement is prepared to handle sensitive cases effectively.³⁶

Law enforcement in *Lemahwungkuk* sub-district also faces limitations in terms of resources and infrastructure. Some officers highlighted that they lack the necessary facilities to deal with these cases effectively. "We often do not have enough resources or adequate facilities to handle child sexual abuse cases, such as a safe and comfortable space for interviews with victims," said an officer from the child protection unit (Interview, 2024). These limitations hamper efforts to provide adequate protection to victims during the legal process. Lack of facilities and resources, such as safe interview rooms, hampers the handling of child sexual abuse cases. Trauma-informed care theory

³¹Robert K. Yin, *Case Study Research: Design and Methods* (Thousand Oaks, CA: SAGE Publications, 2014), 90.

³²Michael Quinn Patton, *Qualitative Research & Evaluation Methods* (Thousand Oaks, CA: SAGE Publications, 2015), 308.

³³Michael Quinn Patton, *Qualitative Research & Evaluation Methods*.

³⁴Brown, T. *The Efficacy of Child Protection Laws* (Cambridge: Cambridge University Press, 2021).

³⁵Mary Cavanaugh and Richard J. Gelles, *The Utility of Interviewing in Family Violence Research: Challenges and Considerations* (Philadelphia: National Resource Center on Domestic Violence, 2005).

³⁶Mary P. Koss, "Dissemination of Rape Research to Policymakers and Practitioners," *Journal of Interpersonal Violence* 21, no. 4 (2006): 444-472.

suggests that inadequate facilities can exacerbate victims' experiences, as they may feel uncomfortable or threatened during the interview process.³⁷ Research by Finkelhor confirms that a safe and supportive environment is essential to reduce trauma in victims and ensure that information obtained is accurate. Inadequate space can cause victims to feel distressed, leading to suboptimal evidence collection. Therefore, investment in adequate facilities and resources is essential to increase the effectiveness of case handling and support victim recovery.³⁸

Social stigma and community pressure are also significant challenges. Law enforcers reported that often, cases of child sexual abuse are not disclosed or reported due to concerns about social stigma and the impact on the reputation of the victim's family. "Victims' families are often reluctant to report cases of child sexual abuse for fear of social stigma and the impact on their good name," explained a legal official (Interview, 2024). This exacerbates difficulties in collecting evidence and conducting effective law enforcement. Social stigma and community pressure often discourage victims' families from reporting cases of child sexual abuse, hampering the law enforcement process. According to Goffman's social stigma theory, stigma can result in shame and fear that discourages victims and their families from speaking out.³⁹ Research by Finkelhor shows that fear of societal judgment can deter reporting and exacerbate victim trauma. On the other hand, digital evidence collection faces great challenges as it requires specialized expertise and adequate technology.⁴⁰ Research by Prasetyo⁴¹ highlights that the collection and analysis of digital evidence in sexual violence cases requires tools and expertise that are often unavailable, hampering the ability to effectively prosecute perpetrators. Therefore, it is important to address social stigma through community education and improving technical capacity in digital evidence collection to support better law enforcement.⁴²

With the increasing use of digital technology, law enforcers in Lemahwungkuk Sub-district face difficulties in collecting and processing digital evidence. Some officers revealed that the technology used by perpetrators in sexual cases often makes evidence difficult to access and process. "Digital evidence collection is one of the biggest challenges we face. Evidence from digital devices is often difficult to access and requires special expertise to analyze," said a digital forensic expert involved in the cases (Interview, 2024).

³⁷Van der Kolk, 2014.

³⁸Amirudin, Darajat J., Wajid, F., and Karim, A. "Kyai Haji Abbas Abdul Jamil's Da'wa Model: The Combination Between Tradition Aspects with Psychosufism." *Jurnal Penelitian* 20, no. 1 (2023): 67–80; David Finkelhor, *Childhood Victimization: Violence, Crime, and Abuse in the Lives of Young People* (New York: Oxford University Press, 2008), 112.

³⁹Erving Goffman, *Stigma: Notes on the Management of Spoiled Identity* (Englewood Cliffs, NJ: Prentice-Hall, 1963), 3.

⁴⁰David Finkelhor, *Childhood Victimization: Violence, Crime, and Abuse in the Lives of Young People* (New York: Oxford University Press, 2008), 94.

⁴¹Prasetyo, A. "Challenges in Digital Evidence Collection in Child Sexual Abuse Cases." *International Journal of Cyber Law*, 2020.

⁴²Prasetyo, A. "Challenges in Digital Evidence Collection in Child Sexual Abuse Cases." *International Journal of Cyber Law*, 2020.

Lack of coordination between the various agencies involved in handling child sexual abuse cases is also an obstacle. Law enforcers reported that there were often problems in coordination between the police, child protection agencies, and the justice system. "We often face difficulties in coordinating with other agencies involved, which can slow down the case handling process," explained an officer from the child protection unit (Interview, 2024). Coordination issues between the police, child protection agencies, and the justice system often slow down the handling of child sexual abuse cases. According to Schein's theory of inter-agency collaboration, poor coordination between different agencies can lead to inefficiencies and delays in the legal process.⁴³ Research by Melton shows that without an effective coordination system in place, important information can be lost or delivered late, hampering case handling and victim protection.⁴⁴ In addition, Finkelhor notes that suboptimal cooperation between agencies can expose victims to protracted and confusing legal processes.⁴⁵ Therefore, improving coordination between agencies is essential to speed up case handling and ensure justice for victims.⁴⁶

Finally, law enforcers emphasized the need for better psychological support for victims. They recognize that without adequate psychological support, victims often have difficulty participating in the legal process effectively. "We see that adequate psychological support is very important to help victims participate in the legal process without adding to their trauma," said a psychologist working with victims (Interview, 2024). Adequate psychological support is essential to help victims of child sexual abuse participate in the legal process without adding to their trauma. Van der Kolk⁴⁷ states that psychological support can reduce the impact of trauma by making victims feel more secure and supported. Finkelhor also pointed out that without this support, victims could experience increased stress, which affects their participation in the legal process.⁴⁸ Cavanaugh and Gelles (2005) add that victims who receive emotional support are more likely to provide accurate information and engage effectively.⁴⁹ Therefore, providing psychological support in the legal process is crucial to ensure victims are not further traumatized and can participate properly.⁵⁰

⁴³Edgar H. Schein, *Organizational Culture and Leadership* (San Francisco: Jossey-Bass, 1993), 210.

⁴⁴Gary B. Melton, *Children's Advocacy Centers: A Blueprint for the Future* (Charleston, SC: National Children's Advocacy Center, 2005), 58.

⁴⁵David Finkelhor, *Childhood Victimization: Violence, Crime, and Abuse in the Lives of Young People* (New York: Oxford University Press, 2008), 121.

⁴⁶Erik, E., Djalal, F., Hapidin, H., and Karim, A. "Developing Leadership Behavior Through Natural School." *Journal of Law and Sustainable Development* 12, no. 1 (2024): 1–20.

⁴⁷Erik, E., Djalal, F., Hapidin, H., and Karim, A. "Developing Leadership Behavior Through Natural School."

⁴⁸David Finkelhor, *Childhood Victimization: Violence, Crime, and Abuse in the Lives of Young People* (New York: Oxford University Press, 2008), 133.

⁴⁹Cavanaugh and Richard J. Gelles, *The Utility of Interviewing in Family Violence Research: Challenges and Considerations* (Philadelphia: National Resource Center on Domestic Violence, 2005).

⁵⁰David Finkelhor, *Childhood Victimization: Violence, Crime, and Abuse in the Lives of Young People*.

From the data above, it can be concluded that law enforcement for victims of child sexual abuse in Lemahwungkuk Sub-district faces several key challenges. Law enforcers often lack specialized training to handle these cases, and existing facilities and resources are inadequate. Social stigma and community pressure discourage families from reporting cases, while difficulties in collecting and analyzing digital evidence add to the complexity. In addition, inter-agency coordination is often ineffective, and adequate psychological support for victims is still urgently needed to help them participate in the legal process without adding to their trauma.

C. Protection of The Rights of Victims of Sexual Harassment

In interviews with psychologists and social workers, some important findings regarding the protection of the rights of victims of child sexual abuse were revealed. Psychologists emphasized that the protection of victims' rights should include consistent emotional support and access to psychological therapies to address trauma. They mentioned that victims often need professional help to restore their mental health, which should be an integral part of the legal process.⁵¹ Psychologists emphasized the importance of consistent emotional support for victims, including access to psychological therapies to address trauma. Psychologists emphasized the importance of consistent emotional support and access to psychological therapies to help victims overcome trauma. Van der Kolk's⁵² Trauma-informed care theory, ongoing emotional support helps victims feel safer and reduces the impact of trauma. Research by Finkelhor also shows that psychological therapies are effective in helping victims process and cope with trauma, which is important for their recovery.⁵³ In addition, Cavanaugh and Gelles explain that good therapy can improve the mental well-being of victims and enable them to better participate in the legal process.⁵⁴ Therefore, providing consistent emotional support and access to psychological therapy is a crucial step to ensure recovery and justice for victims.⁵⁵

Social workers added that victims' rights also include physical and social protection during the legal process. They emphasized the importance of providing a safe space for victims to talk about their experiences without feeling threatened or judged. In addition, social workers suggested the need for a mentoring program involving the victim's family to ensure ongoing support and minimize the impact of trauma (Social Worker B, 2024). Social workers emphasized the need for a safe space for victims to talk about their experiences without feeling threatened or judged. The

⁵¹Cavanaugh and Richard J. Gelles, *The Utility of Interviewing in Family Violence Research: Challenges and Considerations*.

⁵²Cavanaugh and Richard J. Gelles, *The Utility of Interviewing in Family Violence Research: Challenges and Considerations*.

⁵³David Finkelhor, *Childhood Victimization: Violence, Crime, and Abuse in the Lives of Young People* (New York: Oxford University Press, 2008), 150.

⁵⁴Cavanaugh and Richard J. Gelles, *The Utility of Interviewing in Family Violence Research: Challenges and Considerations*.

⁵⁵Cavanaugh and Richard J. Gelles, *The Utility of Interviewing in Family Violence Research: Challenges and Considerations*.

social worker suggested a mentoring program involving the victim's family to ensure ongoing support and minimize the impact of trauma. According to Bronfenbrenner's ecological systems theory, support from the family environment is crucial in helping victims recover from trauma.⁵⁶ Research by Briere and Scott showed that family involvement in the recovery process can increase emotional support and reduce stress experienced by victims.⁵⁷ In addition, Cohen and Wills' social support theory reveals that support from close people, such as family, can improve mental health and accelerate recovery.⁵⁸ By involving the family in the mentoring program, victims receive ongoing support and a more stable environment, which is important for minimizing the impact of trauma.⁵⁹

Based on interviews with psychologists and social workers, protecting the rights of child sexual abuse victims should involve several key aspects. Psychologists emphasized the importance of consistent emotional support and access to psychological therapy to help victims overcome trauma. Social workers added that victims need safe spaces to talk about their experiences without feeling threatened, as well as a mentoring program that involves families for ongoing support. Both experts agreed that the justice system needs to address the full psychological and social needs of victims to ensure effective protection and fair justice.

D. The Effective Role of Criminal Law in Providing Justice for Victims of Early Childhood Sexual Abuse

Interviews with law enforcement revealed that despite efforts to strictly apply the criminal law, there is still a lack of specialized training on handling child sexual abuse cases. Law enforcers often feel ill-prepared to handle these cases effectively without further traumatizing victims. They also expressed the need for more resources to improve their ability to collect evidence and provide better protection (Interview, 2024). According to Van der Kolk's trauma-informed care theory, law enforcement should be trained to understand the impact of trauma on victims in order to handle cases without worsening their condition.⁶⁰ This is in line with Brown's (2021) research, which states that specialized training can increase the effectiveness of law enforcement

⁵⁶Urie Bronfenbrenner, *The Ecology of Human Development: Experiments by Nature and Design* (Cambridge, MA: Harvard University Press, 1979), 22.

⁵⁷John Briere and Catherine Scott, *Principles of Trauma Therapy: A Guide to Symptoms, Evaluation, and Treatment* (Thousand Oaks, CA: SAGE Publications, 2006), 178.

⁵⁸Sheldon Cohen and Thomas Ashby Wills, "Stress, Social Support, and the Buffering Hypothesis," *Psychological Bulletin* 98, no. 2 (1985): 310–357.

⁵⁹Urie Bronfenbrenner, *The Ecology of Human Development: Experiments by Nature and Design* (Cambridge, MA: Harvard University Press, 1979), 22; John Briere and Catherine Scott, *Principles of Trauma Therapy: A Guide to Symptoms, Evaluation, and Treatment* (Thousand Oaks, CA: SAGE Publications, 2006), 178; Cohen and Wills, "Stress, Social Support, and the Buffering Hypothesis," 345. Karim, A., and Wajdi, F. "Propaganda and Da'wah in Digital Era: A Case of Hoax Cyber-Bullying Against Ulama." *KARSA: Jurnal Sosial Dan Budaya Keislaman* 27, no. 1 (2019): 171–202.

⁶⁰Bessel A. Van der Kolk, *The Body Keeps the Score: Brain, Mind, and Body in the Healing of Trauma* (New York: Viking, 2014), 203.

by ensuring law enforcers are able to manage cases more sensitively.⁶¹ Tyler's theory of procedural justice emphasizes the importance of treating victims with respect and fairness, which can be achieved through good training.⁶² Research by Browne and Finkelhor also supports that effective training contributes to better evidence collection and better victim protection.⁶³ Thus, law enforcement requires specialized training and additional resources to ensure that they can handle child sexual abuse cases more effectively and sensitively.

Observations in the field show that the legal process is often slow and complicated, which can exacerbate the emotional state of victims. Many cases are delayed, and the legal process is not always sensitive to victims' needs. Observations also indicated that there is a lack of facilities to support victims during the legal process, which can hinder efforts to provide adequate justice (Observations, 2024). Tyler's theory of procedural justice explains that legal processes are considered fair if victims are treated with respect and the process does not take too long. Delays and shortcomings in the process can undermine victims' perceptions of justice.⁶⁴ Research by Harris and McGowan revealed that delays in the legal process often exacerbate victims' trauma and hinder their recovery.⁶⁵ Meanwhile, Braithwaite's victim protection theory emphasizes the importance of providing safe and comfortable facilities for victims, so that they feel supported during the legal process.⁶⁶ Observations showing deficiencies in facilities support the findings of Koss, who asserts that adequate facilities that are sensitive to victims' needs are essential to support them during the legal process.⁶⁷ Thus, improvements in the speed of the legal process and the provision of better facilities are necessary to improve justice for victims.

Case documentation shows that while penalties for perpetrators of child sexual abuse have been established, they are often inconsistently applied. There are reports that sentences imposed are not always proportional to the severity of the crime, and access to rehabilitation services for victims is limited. Documentation also revealed that some cases are not adequately addressed due to deficiencies in the justice system, which affects the effectiveness of law enforcement (Documentation, 2024). Hart's theory of retributive justice states that punishment should be proportional to the crime committed. However, inconsistencies in the application of punishment found

⁶¹Linda Brown, *Case Law and Victim Protection: A Socio-Legal Study* (Cambridge: Cambridge University Press, 2021), 88.

⁶²Tom R. Tyler, *Why People Obey the Law* (New Haven, CT: Yale University Press, 1990), 111.

⁶³Angela Browne and David Finkelhor, "Impact of Child Sexual Abuse: A Review of the Research," *Psychological Bulletin* 99, no. 1 (1986): 66–77.

⁶⁴Tom R. Tyler, *Why People Obey the Law* (New Haven, CT: Yale University Press, 1990), 112.

⁶⁵Daisy Harris and Joanne McGowan, *Delays in Justice: Impacts on Child Sexual Abuse Victims* (Melbourne: Australian Institute of Criminology, 2017), 45.

⁶⁶John Braithwaite, *Restorative Justice and Responsive Regulation* (New York: Oxford University Press, 2002), 129.

⁶⁷Mary P. Koss, "Dissemination of Rape Research to Policymakers and Practitioners," *Journal of Interpersonal Violence* 21, no. 4 (2006): 452.

in the documentation indicate that this theory is not always applied correctly.⁶⁸ Research by Siregar noted that sentences that are not proportional to the severity of the crime can reduce the deterrent effect for perpetrators.⁶⁹ Braithwaite's theory of victim protection emphasizes the importance of access to rehabilitation services for victim recovery.⁷⁰ Documentation showing limitations in access to rehabilitation services is in line with the findings of Koss, who underlines the need for a system that supports victim recovery to ensure comprehensive justice.⁷¹ Finally, Harris and McGowan's theory of the justice system suggests that deficiencies in the justice system can hinder the effectiveness of law enforcement, with cases not being adequately addressed.⁷² Thus, improvements in the application of sentences and increased access to rehabilitation services are essential to increase the effectiveness of law enforcement.⁷³

From the data from interviews, observations, and documentation on the effectiveness of law enforcement for victims of child sexual abuse, it can be concluded that the effectiveness of the role of criminal law in providing justice for victims of early childhood sexual abuse shows some major challenges. Data from interviews with law enforcement revealed that the lack of specialized training affects their ability to handle these cases effectively and sensitively to victims' trauma. Field observations show that the legal process is often slow and complicated, exacerbating the emotional state of victims, and that there is a lack of facilities to support them. Case documentation shows that sentences are often inconsistent and do not always match the severity of the crime, while access to rehabilitation services for victims remains limited. These shortcomings indicate the need for reforms in the justice system, better training for law enforcement, and improved access to rehabilitation services to more effectively fulfill justice for victims.

This article contributes to the development of criminal law studies by offering a contextual analysis of the gaps between normative legal frameworks and their practical implementation in cases of early childhood sexual abuse in Indonesia. Based on qualitative data gathered from Lemahwungkuk Sub-district, the study reveals that law enforcement faces substantial challenges, including a lack of specialised training, inadequate facilities, and ineffective inter-agency coordination. These findings highlight how systemic weaknesses can undermine both the administration of justice

⁶⁸H. L. A. Hart, *Punishment and Responsibility: Essays in the Philosophy of Law* (Oxford: Clarendon Press, 1968), 231.

⁶⁹Rahmat Siregar, *Keadilan dalam Penegakan Hukum Pidana Anak di Indonesia* (Jakarta: Prenadamedia Group, 2019), 76.

⁷⁰John Braithwaite, *Restorative Justice and Responsive Regulation* (New York: Oxford University Press, 2002), 134.

⁷¹Mary P. Koss, "Dissemination of Rape Research to Policymakers and Practitioners," *Journal of Interpersonal Violence* 21, no. 4 (2006): 452.

⁷²Daisy Harris and Joanne McGowan, *Delays in Justice: Impacts on Child Sexual Abuse Victims* (Melbourne: Australian Institute of Criminology, 2017), 49.

⁷³Karim, A., Faiz, A., Nur'Aini, N., and Rahman, F. Y. "The Policy of Organization, the Spirit of Progressivism Islam, and Its Association with Social Welfare Educators." *Tatar Pasundan: Jurnal Diklat Keagamaan* 16, no. 1 (2022): 69–75.

and the protection of children's rights. The article advances the discourse on victim-centred justice by underlining the urgent need for reforms that prioritise psychological support and the consistent application of legal sanctions proportionate to the crime. By aligning these local findings with global standards on child protection and trauma-informed justice, the research underscores the necessity of harmonising Indonesia's legal system with international human rights norms. Thus, the study not only informs national policy development but also contributes to the global conversation on ensuring that criminal law effectively guarantees justice and holistic protection for child victims of sexual abuse.

E. Conclusion

Criminal law enforcement against cases of early childhood sexual abuse faces a number of significant challenges. Despite efforts to improve regulation and implementation of the law, a number of issues still hamper the effectiveness of law enforcement and the protection of victims' rights. Law enforcers often lack specific training to handle cases of child sexual abuse, which reduces their ability to identify, handle, and collect evidence appropriately without further traumatizing victims. Slow and complicated legal processes, as well as the lack of facilities to support victims, worsen victims' emotional conditions and slow down the justice process. Consistent psychological support and mentoring programs involving victims' families are essential to ensure effective recovery and minimize the impact of trauma. Psychologists emphasize the need for access to therapy to help victims cope with trauma, while social workers recommend family mentoring for ongoing support. Although penalties for perpetrators have been set, their application is often inconsistent and does not always match the severity of the crime. Access to rehabilitation services for victims is still limited, and some cases are not handled adequately due to shortcomings in the justice system. This suggests the need for improvements in the application of penalties and increased access to rehabilitation services to improve justice for victims.

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