



## Legal Review of the Process of Handling Cases of Sexual Violence Against Children

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### Abstract

*This study aims to examine and analyze the handling of cases of sexual violence against children from a positive legal perspective, focusing on the implementation of legal procedures at the Batu Police Department. The method used is normative juridical, with a statutory and conceptual approach. The primary data sources consist of primary legal materials, such as the Criminal Code (KUHP), Law Number 35 of 2014 concerning Child Protection, Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence, and Law Number 11 of 2012 concerning the juvenile criminal justice system. Secondary legal materials were obtained from academic literature, scientific journals, and relevant law enforcement documents. The results of the study indicate that normatively, the handling of cases of sexual violence against children is clearly regulated through laws and regulations that require maximum protection for child victims, including in investigations, special treatment during examinations, and the fulfillment of victims' rights. However, in practice at the Batu Police Department, law enforcement still faces various challenges, such as limited investigative resources, minimal psychological support, and a lack of understanding of the victim's perspective. Furthermore, the legal process still does not fully comply with the principles of restorative justice mandated by the latest regulations. This study recommends improving the capacity of investigators through gender-sensitive and child protection training, strengthening synergy between the police, child protection agencies, and supporting agencies, and ensuring ongoing oversight of the case handling process to ensure optimal protection of child victims' rights at every stage of the legal process.*

### Introduction

must be safeguarded, protected, and fulfilled by their families, communities, and the state. In the context of national life, children are the next generation with the potential to build the nation's future. Therefore, ensuring children grow and develop in a safe environment free from violence is a shared responsibility (Pratiwi et al, 2024; Thomas et al., 2018; Lake & Jamieson, 2016).

However, today's social reality shows that children are increasingly becoming victims of various forms of crime, one of which is sexual violence. According Kalra & Bhugra (2013); Gaggioli (2014); Adnan (2025), Sexual violence against children is not only a violation of the law but also a crime against the most fundamental human values. The impact of this crime is not only physical but also profound psychological and social. Children who are victims of sexual violence are vulnerable to long-term trauma, loss of self-confidence, and even obstacles in their education and future (Batian, 2024; Dewi & Nurmadiyah, 2025; Saputra, 2025; Kumalasari & Kusumiati, 2023; Wahyuni, 2016).

Sexual violence against children is classified as an extraordinary crime because the perpetrators are often from the victim's immediate environment, such as family, neighbors, or trusted individuals (Lewoleba & Fahrozi, 2020; Azzahra & Batubara, 2025; Tuliah, 2018). This leaves victims often trapped in fear and guilt, and cases often go unresolved for years. This situation demands that the state, particularly law enforcement officials, undertake serious, fair, and victim-centered legal intervention.

Within the national legal system, guarantees of child protection are stipulated in various regulations, such as Law Number 35 of 2014 concerning Child Protection, which amends Law Number 23 of 2002, as well as Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence and Law Number 11 of 2012 concerning the juvenile criminal justice system. These laws require the state to provide maximum protection to child victims, including child-friendly and human rights-based handling procedures.

However, the gap between legal norms and implementation remains a major problem. Many cases of sexual violence against children are handled insensitively by law enforcement officials (Finkelhor et al., 2001; Coker et al., 2015). The lack of a victim-centered approach, limited understanding of child trauma, and a lack of psychosocial support are serious obstacles in handling these cases.

One area of interest to study is the Batu Police Department. Located in a mountainous region known as a tourist destination, Batu City harbors social dynamics closely linked to issues of violence against women and children. According to data published by the Batu Police through various online media, there were 142 reported cases of violence against women and children in the past three years, from 2022 to mid-May 2025. These included 31 cases in 2022, 58 cases in 2023, and 29 cases in 2024. As of May 2025, 24 new reports of violence had been recorded.

The cases handled by the Batu Police are not limited to physical violence, but also include sexual violence, including harassment and molestation of minors. One prominent case occurred in early 2025, when an 8-year-old girl was molested by her own uncle. Police quickly apprehended the suspect and charged him under Articles 81 and 82 of the Child Protection Law. The speed of handling this case demonstrates the seriousness of the authorities, but it does not rule out the possibility that there will be challenges in uncovering similar cases in the future (Purnama, 2025; Syaifudin, 2023).

In addition to law enforcement efforts, the Batu Police also employ a preventative approach through public education (Zakaria, 2019; Arny et al., 2025; Nur & Margaret, 2024). In 2024, for example, the Batu Police held psychoeducational activities at several schools and Islamic boarding schools, such as Al Hikmah Boarding School and Al Irsyad Islamic Boarding School. Garcia et al. (2012), these activities aimed to provide students with an understanding of the forms of sexual violence, their impacts, and preventive measures.

Furthermore, in 2022, the Batu Police established a Women and Children Protection Task Force (Satgas PPA), comprising representatives from the police, the prosecutor's office, the Social Services Department, psychologists from the Health Department, and community leaders. This task force is tasked with accelerating coordination in handling cases of sexual violence against children and providing support and recovery for victims, including trauma healing (Miranda & Maras, 2017).

However, various challenges continue to hamper effective case handling. Several reports indicate that some victims are reluctant to report cases due to social pressure, shame, or distrust of the legal process. On the other hand, law enforcement officials also face obstacles such as a limited number of specialist child investigators, the lack of child-friendly examination rooms

in some police stations, and limited funding for victim rehabilitation (Eyasu et al., 2021; Tamba & DM, 2025).

These conditions indicate that legal protection for child victims of sexual violence still faces serious challenges in its implementation (Myranika, 2022; Wangamati et al., 2021; Fernando et al., 2023; Hamamah et al., 2025). This is where the urgency of a legal review arises: to critically examine the handling of these cases at the Batu Police, whether they align with applicable laws and regulations, and what challenges and improvements have been made.

Based on the above description, this study is crucial for evaluating the handling of sexual violence cases against children at the Batu Police from a legal perspective. This research is expected to provide not only a normative overview but also provide empirical reflection for formulating law enforcement strategies that are more victim-friendly, more humane, and more in line with child protection principles.

## **Methods**

The research method used in this study is normative juridical, a legal research method conducted by examining primary and secondary legal materials related to the problem under study. This research focuses on positive legal norms governing the crime of sexual violence against children, specifically in the context of case handling by law enforcement officers within the Batu Police Resort (Polres). This normative juridical research aims to examine the synchronization of laws and regulations related to the handling of crimes of sexual violence against children and to assess their suitability within the national legal system, particularly in the practice of police case handling. This research also describes how these legal regulations reflect the principles of child protection and victim-based justice. The approaches used in this research are a statutory approach and a conceptual approach. The aim is to analyze relevant legal provisions, such as Law Number 35 of 2014 concerning Child Protection, Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence, the Criminal Code (KUHP), the Criminal Procedure Code (KUHAP), and Law Number 11 of 2012 concerning the juvenile criminal justice system. Furthermore, a conceptual approach is used to understand principles such as restorative justice, a child-friendly justice system, and legal protection for victims. The objects of study in this research are the legal norms contained in various laws and regulations, as well as the legal principles underlying the process of handling cases of sexual violence against children. This research also examines other legal instruments, such as the National Police Chief's Regulation, guidelines for handling cases of the Women and Children Protection Unit (PPA), and standard operating procedures applicable within the police institution. Although this study does not employ a direct empirical approach, the Batu Police Department serves as an illustrative context to highlight the urgency and importance of discussing the effectiveness of handling cases of sexual violence against children in local law enforcement practices. The Batu Police Department, located in a mountainous region and possessing both urban and rural social characteristics, reflects the complex challenges in handling cases of sexual violence against children, from reporting, investigation, and victim recovery perspectives. Using a normative juridical approach, this research is expected to contribute theoretical and prescriptive analysis to the regulation of the handling of cases of sexual violence against children, as well as to offer normative solutions to the legal obstacles that arise in their implementation, particularly in the context of the role and authority of the police as the first line of defense in law enforcement against crimes against children.

## **Data Collection Technique**

The data collection technique in this study was library research, which is the primary method in the normative legal approach. Data were obtained through a review of various legal

materials, both primary and secondary. Primary legal materials include laws and regulations governing the crime of sexual violence against children and their handling mechanisms, such as Law Number 35 of 2014 concerning Child Protection, Law Number 12 of 2022 concerning the Crime of Sexual Violence, the Criminal Code (KUHP), the Criminal Procedure Code (KUHAP), and Law Number 11 of 2012 concerning the juvenile criminal justice system, as well as other relevant implementing regulations, such as the National Police Chief Regulation and technical guidelines for investigating cases involving children.

Meanwhile, secondary legal materials consist of legal literature, scientific journals, previous research results, credible media articles, and official documents from relevant ministries or institutions, including publications from the Batu Police containing data on cases of sexual violence against children. Data collection was carried out systematically to support normative analysis of the process of handling cases of sexual violence against children, especially in the Batu Police area, in order to examine the extent to which the handling was in line with the principles of child protection as regulated in the national criminal law system.

### **Data Analysis Techniques**

After all the data used in this research was collected, data analysis was conducted. The data analysis method employed in this study was qualitative analysis. The collected data was analyzed to gain clarity on the issues being discussed. All collected data was edited, processed, and systematically compiled to be presented in descriptive form, followed by conclusions. The descriptive nature of the analysis means that the researcher aims to provide an overview or explanation of the research subjects and objects, as reflected in the results of their research. In this case, the research subject is the provisions of laws and regulations governing the handling of sexual violence against children, while the research object focuses on case handling practices at the Batu Police. By using a descriptive qualitative approach, it is hoped that an in-depth explanation will be obtained regarding the alignment between legal norms and legal practices, as well as the obstacles and solutions that arise in the process of handling sexual violence against children cases within the police force.

### **Results and Discussion**

The Batu Police Department (Polres) handles cases of sexual violence against children through criminal law procedures that refer to national legislation, including Law Number 35 of 2014 concerning Child Protection, Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence, the Criminal Code (KUHP), the Criminal Procedure Code (KUHAP), and Law Number 11 of 2012 concerning the juvenile criminal justice system.

Based on data compiled from media publications and institutional documentation, the Batu Police Department recorded 142 cases of violence against women and children in the last three years (2022–2024), with 24 additional reports through May 2025. The majority of these cases involved sexual violence against children, including molestation, harassment, and other forms of sexual violence.

To handle these cases, the Batu Police Department established a Women and Children Protection Unit (PPA) that specifically handles cases involving children and women as victims. Investigators in this unit have received training in child-friendly approaches. However, observations and secondary data indicate that case handling is still suboptimal due to limited facilities, limited investigative staff, and a lack of integration with the victim support system.

### **Legal Review of the Case Handling Process**

The Batu Police have adhered to the national legal framework in handling crimes of sexual violence against children. The procedure begins with reporting, investigation, post-mortem

examination, witness and victim examination, and finally, the transfer of files to the prosecutor's office. This process reflects the principle of due process of law, upholding the Criminal Procedure Code (KUHAP) and the Child Protection Law, particularly Articles 59 and 64 concerning special protection for child victims.

These articles also embody the principle of "best interests of the child," which prioritizes the recovery and protection of children at every stage of the legal process. With this approach, the Batu Police employ a Women and Children Protection Unit (PPA), whose investigators are specially trained to handle cases with a victim-friendly and trauma-informed approach.

However, in terms of implementation, several gaps exist, creating a gap between what is stipulated in regulations and practice on the ground. Some key issues identified include:

Table 1. Gap between Legal Norms and Field Implementation at Batu Police in Handling Sexual Violence against Children

<b>Regulatory Aspects</b>	<b>Field Implementation</b>	<b>Gaps Found</b>	<b>Data Sources/Findings</b>
Child-Friendly Examination Rooms	Examinations are conducted in public areas; not all police stations have child-friendly facilities.	Child victims are vulnerable to stress and re-traumatization because the examination room does not meet protection standards.	Tribatanews Res Batu, 2024
Special Investigators of the Women and Child Protection Unit	A police station has been established, but the number of investigators is limited, and not all have experience handling child cases.	Some cases are handled by general investigators, which risks misapproaching child victims.	Jatimtimes.com, 2024–2025
Cross-Sector Coordination (Police, Psychologists, LPSK, and Social Services)	Not yet systemically integrated; psychosocial support is not evenly distributed.	Child victims do not receive comprehensive protection during the legal process.	Radarbatu.jawapos.com, Malangtimes.com
Public Reporting Access	Many people are still reluctant to report due to stigma, shame, or family pressure.	Informal handling (restorative justice) is more often chosen, especially when the perpetrator is a close relative of the victim.	Radarbatu.jawapos.com, Jatimtimes.com, 2025

Sexual Violence Prevention Education	The Batu Police regularly hold psychoeducation sessions in schools and Islamic boarding schools.	Education efforts have been ongoing, but have not yet reached all levels of society and have not been conducted regularly.	Tribatanews Res Batu, Al Hikmah Boarding School (2024), SMP IIBS (2025)
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The following is a bar chart showing the number of reports of violence against women and children at the Batu Police from 2022 to May 2025. This data shows a sharp increase in 2023, followed by a decrease in 2024, but the number remains high cumulatively.

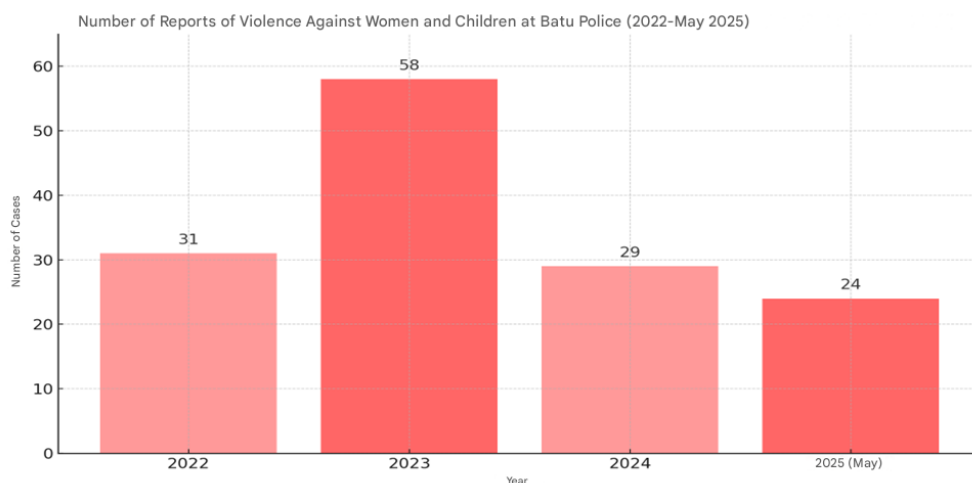


Figure 1. Trends in Reports of Violence Against Women and Children at Batu Police (2022–May 2025)

### Batu Police Efforts and Their Relevance to Child Protection Principles

As part of its preventive and curative efforts, the Batu Police have established a Women and Children Protection Task Force (Satgas PPA) involving various stakeholders across sectors, including the prosecutor's office, the Social Services Agency, the Women's Empowerment and Child Protection Agency, psychologists from the Health Agency, and local community and religious leaders. This task force aims to establish an integrated coordination mechanism for handling cases of sexual violence against children in a more systematic and comprehensive manner. With this collaborative work model, the Batu Police strive to address the complexity of case handling, which cannot be resolved by police alone but requires a multidisciplinary approach involving legal, psychological, social, and cultural aspects.

In addition to institutional strengthening through the Task Force, the Batu Police also actively conducts psychoeducational activities as a preventive approach to the community, particularly in educational settings. This activity was conducted in several schools and Islamic boarding schools, such as Al Hikmah Boarding School in March 2024 and Al Izzah IIBS Junior High School in May 2025. The materials covered understanding the forms of sexual violence, children's rights to protection, and the importance of reporting if they are victims or witness acts of violence. This psychoeducation was not only aimed at students but also involved teachers and caregivers as child protection agents in their respective communities. This step is

crucial considering that the majority of perpetrators of sexual violence against children are people with close relationships with the victims, both familial and social.

From a legal perspective, these steps demonstrate alignment with the principle of the best interests of the child as stipulated in the Convention on the Rights of the Child, ratified by Indonesia through Presidential Decree No. 36 of 1990, and align with the spirit of child protection as stipulated in Articles 59 and 64 of Law No. 35 of 2014 concerning Child Protection. In this approach, child protection focuses not only on legal action against perpetrators but also on comprehensive recovery for victims, including psychological rehabilitation and social reintegration. In addition, this approach also supports the implementation of restorative justice in child cases, namely a mechanism that prioritizes solutions that favor the victim, balances legal, social, and psychological interests, and takes into account the position of children as vulnerable legal subjects.

However, the effectiveness of these policies and programs depends heavily on consistent implementation, adequate budget availability, increased investigator capacity, and continued collaboration between relevant agencies. In some cases, psychoeducation programs have not been implemented routinely and comprehensively throughout the Batu Police jurisdiction. Furthermore, the Women and Children Protection Task Force lacks a robust monitoring and evaluation system to measure the tangible impact on reducing violence rates or increasing public reporting of cases. Other structural constraints, such as limited psychological expertise, the lack of representative safe houses, and minimal technical and logistical support for victim assistance, are also important considerations.

Thus, it can be concluded that the Batu Police have taken progressive and constructive steps in handling cases of sexual violence against children through an inclusive institutional and preventive approach. However, to achieve an effective and equitable protection system, further reforms are needed, including improving institutional systems, developing child-friendly service infrastructure, and strengthening victim-centered approaches. This will ensure that handling sexual violence against children becomes not only a normative responsibility but also an ethical and social imperative for all elements of law enforcement and society.

Table 2. Batu Police's Preventive and Curative Efforts in Handling Sexual Violence Against Children

<b>Programs/Efforts</b>	<b>Strategic Objectives</b>	<b>Status and Challenges</b>
Women and Children Protection Task Force (PPA)	Handle cases in an integrated and holistic manner	Established in 2022; no integrated evaluation and reporting system yet
Psychoeducation in Schools and Islamic Boarding Schools	Prevent violence through public education	Implemented (Al Hikmah 2024, SMP IIBS 2025); coverage is still limited
Collaboration with the Prosecutor's Office, Social Services, and the Witness and Victim Protection Agency (LPSK)	Provide legal and psychosocial protection for victims	Collaboration exists; not implemented consistently across all cases
Involvement of Community and Religious Leaders	Build social and moral support for child victims	Still incidental; not yet a structured outreach program

Training for PPA Unit Investigators	Increase sensitivity in handling child victims	Implemented; number of investigators and training frequency are still limited
Restorative Approach and Victim Support	Promote a victim-based approach in accordance with the TPKS Law	Not yet systematically implemented; victims still have difficulty accessing recovery services

The table above provides a comprehensive overview of the steps the Batu Police have taken and are currently taking to address cases of sexual violence against children, both in terms of prevention and response. From the formation of the Task Force to the training of investigators, institutional efforts are evident to address the complexity of this issue in a more coordinated and sensitive manner to victims' rights. However, a detailed breakdown of the implementation status of each program demonstrates that most initiatives are still in their early stages or have not yet fully reached all areas and targets. The psychoeducation program, for example, has only been implemented in two educational institutions in the past two years. Similarly, cross-sectoral collaboration has not yet become structurally entrenched in the case handling system. This indicates that although the policy direction is on the right track, its technical implementation still requires strengthening from various perspectives.

Most crucially, the victim-centered approach remains unequally applied at every stage of the legal process. Psychosocial assistance, access to recovery services, and the involvement of community leaders have yet to be fully institutionalized as standard mechanisms. In fact, the success of addressing sexual violence against children is measured not only by the punishment of the perpetrator, but also by the extent to which the state is able to provide just and humane reparations for the victim. Therefore, a sustained commitment is needed to transform all of the above programs beyond responsive policies into a consistent, measurable, and integrated work system. The Batu Police have paved the way, but cross-institutional collaboration and community participation are essential to ensure that child protection does not remain on paper but becomes a tangible presence in the lives of those who have been silenced by trauma and fear.

Handling cases of sexual violence against children is a crucial issue in Indonesia's criminal justice system (Aprilianda et al., 2022; Jannah et al., 2024). Cases involving child victims have unique characteristics that demand sensitivity and professionalism from law enforcement officers. In the context of the Batu Police, the handling of cases of sexual violence against children has shown a progressive trend, although a number of challenges remain in its implementation. Legally, the legal framework used by the Batu Police complies with applicable norms, such as Law Number 35 of 2014 concerning Child Protection, Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence, and the Criminal Procedure Code (KUHAP). These regulations emphasize the importance of special protection for child victims of crime, including the right to legal, psychological, and social assistance throughout the investigation process and after the court's verdict. Furthermore, the principle of "the best interests of the child" is a minimum standard that must be implemented by all institutions dealing with children.

In practice, the Batu Police have established a Women and Children Protection Unit (PPA) and a PPA Protection Task Force, and implemented various preventive programs, such as psychoeducation in schools and Islamic boarding schools. These efforts align with a progressive legal approach, which emphasizes that the law is not solely oriented toward punishment, but also toward prevention and recovery. However, the effectiveness of these programs still faces structural challenges such as limited child-friendly examination rooms, a

limited number of investigators, a lack of integration across sectors, and a less comprehensive victim-centered approach. In many cases, the legal process tends to be formalistic and fails to address victims' needs holistically. For example, child victims who should receive intensive psychological and legal assistance instead face normative examinations that disregard their traumatic circumstances (Robinson, 2015). This leads not only to re-traumatization but also to a decline in the quality of victims' testimonies, resulting in a weak evidentiary process. Furthermore, some communities still resolve sexual violence cases through family channels or unprocedural restorative justice, especially when the perpetrator is a relative or influential figure.

This phenomenon demonstrates a gap between norms and reality (a gap between law on the books and law in action). Yet, regulations have provided ample room for law enforcement to act proactively, not only as enforcers of justice but also as protectors of victims' rights. Within the framework of restorative justice theory, the approach to victims should not stop at punishing the perpetrator, but rather focus on the victim's complete recovery, both physically, mentally, and socially. Furthermore, the success of case handling is also crucially determined by the participation of institutions outside the police, such as the Social Services Agency, the Witness and Victim Protection Agency (LPSK), forensic psychologists, legal aid institutions, and the role of religious and community leaders in building a child protection ecosystem. Unfortunately, this collaboration has not yet been fully realized at the Batu Police, despite promising initial initiatives.

From a normative perspective, it is crucial to encourage improvements in the governance of handling sexual violence against children cases by strengthening technical regulations within the police (Mathews, 2017), increasing the capacity of PPA investigators, and integrating victim and perpetrator data systems to ensure a seamless law enforcement process. Furthermore, establishing a monitoring and evaluation system for the implementation of launched policies is crucial to determine their impact on victims and to prevent future sexual violence. Thus, this discussion confirms that the Batu Police have taken positive steps, but a more comprehensive, integrative, and sustainable approach is still needed. Handling cases of sexual violence against children cannot simply be left to a repressive approach, but must reflect values of justice that favor victims, prioritize humanity, and build public trust in the legal system.

## Conclusion

Based on the research and analysis conducted, it can be concluded that the handling of cases of sexual violence against children at the Batu Police Station has been carried out in accordance with applicable positive legal provisions, such as Law Number 35 of 2014 concerning Child Protection, Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence, the Criminal Procedure Code (KUHAP) and Law Number 11 of 2012 concerning the juvenile criminal justice system. The handling process includes reporting, investigation, post-mortem examination, witness and victim examination, and transfer of the case to the prosecutor's office. This generally reflects the principles of due process of law and special protection for child victims. However, in practice, several gaps remain between legal norms and their implementation. Some of the main obstacles that emerged include: the unequal distribution of child-friendly examination rooms, the limited number of competent and specially trained investigators in the Women and Child Protection Unit (PPA), minimal cross-sector synergy between the police and victim advocacy organizations, and the strong culture of silence and informal (non-procedural) resolution within the community, particularly when the perpetrator is close to the victim. The Batu Police have taken progressive steps through the establishment of a Women and Children Protection Task Force, the provision of psychoeducation in schools

and Islamic boarding schools (pesantren), and the capacity building of investigators. These efforts demonstrate an institutional commitment to carrying out preventive and curative functions. However, the success of these initiatives depends heavily on structural support, program sustainability, and a more systematic and humane victim-centered approach. From a progressive legal perspective, law enforcement against child sexual violence cannot be simplified as a mere formal process but must encompass aspects of recovery, protection of children's human rights, and community involvement in creating a safe space for children's growth and development. Therefore, the case handling system at the police level must be directed towards an integrative, participatory, and victim-centered model, as mandated by the principles of restorative justice and the best interests of the child. Therefore, a comprehensive evaluation of the implementation of existing procedures, institutional strengthening of the Women and Children Protection Unit (PPA), increased human resource capacity, and the establishment of an integrated and sustainable cross-sectoral support system are necessary. Protecting child victims of sexual violence is not only a legal obligation but also a moral and social responsibility of all elements of the nation.

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