



DOI: <https://doi.org/10.38035/sijal.v1i4>  
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## The Role of the Legal System in Handling Child Abuse and Protection Cases

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**Abstract:** This study examines the role of Indonesia's legal system in handling cases of child molestation and ensuring the protection of children as victims of sexual violence. Using a normative juridical approach, the research analyzes existing legal provisions, including the Child Protection Act and related regulations, to assess their effectiveness in providing justice and safeguarding children's rights. The findings reveal that although Indonesia has a comprehensive legal framework, the implementation often faces significant challenges such as limited law enforcement capacity, lack of specialized training for officers, and insufficient rehabilitation services for victims. Moreover, societal stigma and a lack of awareness further hinder optimal legal protection. The study recommends strengthening the capacity of law enforcement, improving rehabilitation facilities, and increasing public awareness to enhance the legal protection of child victims of molestation in Indonesia.

**Keyword:** Child Protection, Legal System, Child Molestation, Law Enforcement, Rehabilitation

### INTRODUCTION

Child molestation cases are one of the most disturbing forms of violence in Indonesia. Not only do they damage the future of children as the nation's next generation, but they also have a major impact on their physical, psychological, and social development. In this context, the Indonesian legal system plays a very important role in providing protection to children who are victims of these crimes. A good legal system not only functions as a law enforcement tool, but also as a mechanism to guarantee children's rights, including the right to live, develop, and be protected from violence in any form. Basically, legislation in Indonesia has clearly regulated child protection, one of which is through Law Number 23 of 2002 concerning Child Protection which has undergone several amendments, including the most recent with Law Number 35 of 2014. This legislation emphasizes that every child has the right to be protected from all forms of violence, exploitation, and treatment that degrades their dignity. However, although the law has provided quite firm protection, in practice there are still many challenges faced in handling cases of child molestation. The first challenge that is often faced is the lack of public awareness about the importance of child protection. Many cases of child molestation are not reported or are even ignored by the family or community. This happens for various reasons, such as social

stigma, fear of perpetrators who have power or are close to the victim, or a lack of understanding of children's rights. This condition makes law enforcement efforts very difficult and sometimes ineffective.

In addition, although the Indonesian legal system has regulated child protection quite well, its implementation often encounters obstacles. Many factors affect the effectiveness of handling child molestation cases, such as the lack of trained human resources, slow legal processes, and limitations in the provision of facilities for victim rehabilitation. Therefore, it is important to analyze the extent to which the Indonesian legal system can provide maximum protection for children, especially in handling cases of molestation, and to identify deficiencies that still need to be fixed. Handling cases of child molestation involves various legal institutions, from the police, prosecutors, to the courts. Each institution has a very important role in ensuring that the perpetrators are punished appropriately and that the victims receive the protection and recovery they need. This process involves various aspects, including fair investigations, proper prosecution, and psychological and medical support for the victims. The role of the law in handling cases of child molestation is not only limited to the retributive legal process, namely punishing the perpetrators, but also includes preventive and rehabilitative aspects. The law must be able to prevent molestation by creating a system that can protect children from an early age. In addition, the law must also be able to provide rehabilitation for victims so that they can recover and continue their lives well. In this case, the role of social institutions and the government is also very important to ensure that every child receives adequate support after becoming a victim of crime.

However, although various efforts have been made, there are still many challenges that must be faced in overcoming violence against children in Indonesia. One of them is the very limited role of society in supporting child protection efforts. The community needs to be more actively involved in creating a safe and supportive environment for children, so that they can grow and develop well without fear of becoming victims of violence. It is important to note that the Indonesian legal system, although it already has various adequate regulations, needs to continue to develop in line with the social dynamics that occur. Cases of child molestation, which often involve perpetrators who are close to the victim, indicate that the protection provided by the legal system must prioritize an approach that involves all elements of society, including family, education, and other social institutions. As a country that has ratified the UN Convention on the Rights of the Child, Indonesia has an obligation to guarantee children's rights, including protection from violence. Therefore, this study will discuss in depth the role of the legal system in handling cases of child molestation in Indonesia, with a focus on existing laws and regulations, challenges faced, and recommendations for improving the legal system for more effective protection of children. This study aims to provide a clear picture of how the Indonesian legal system works in dealing with cases of child molestation, as well as to explore aspects that need to be improved so that this legal system is more effective in protecting children's rights. By understanding the role of existing laws and the challenges that arise, it is hoped that appropriate solutions can be found to reduce cases of molestation and provide better protection for children in Indonesia. In addition, this study is also expected to contribute to developing better legal policies in order to create a safe Indonesia for children. Given the importance of this problem, efforts to deal with cases of child molestation are not only the responsibility of the government and law enforcement agencies, but also a shared responsibility of all levels of society. With good cooperation between state institutions, civil society organizations, and society itself, it is hoped that Indonesia can create a safer environment for children to grow and develop without the threat of violence or exploitation.

## METHOD

This study uses a normative approach with a doctrinal legal research type, which aims to analyze the laws and regulations in force in Indonesia regarding the protection of child victims of sexual abuse. This normative approach focuses on the study of written legal norms, such as Law Number 23 of 2002 concerning Child Protection, as well as other regulations relevant to the protection of children from sexual violence. This study will examine how these legal regulations are applied in practice and to what extent these laws provide effective protection for children who are victims of sexual abuse. The data collection method in this study was carried out by means of a literature study, namely collecting information from various primary and secondary legal sources, such as laws, government regulations, legal doctrines, scientific journals, and other related literature. The data obtained were then analyzed normatively to assess the suitability between existing regulations and law enforcement practices in cases of child abuse. By using this normative analysis, this study aims to provide an overview of the effectiveness of the Indonesian legal system in handling cases of child abuse and to identify potential improvements in the existing legal system.

## RESULTS AND DISCUSSION

### 1. The Role of the Legal System in Handling Child Abuse Cases in Indonesia

The Indonesian legal system has several legal instruments designed to provide protection for children, especially those who are victims of violence, including abuse. This protection is regulated in Law Number 23 of 2002 concerning Child Protection which was later revised into Law Number 35 of 2014, as well as in Law Number 17 of 2016 concerning Child Protection, which provides a legal basis for the state to ensure that children's rights are fulfilled and protected. In terms of handling child abuse cases, Indonesian law has also established strict criminal sanctions against perpetrators, in accordance with the provisions contained in the Criminal Code (KUHP), as well as in Law Number 23 of 2002 concerning Child Protection, especially related to acts of rape and sexual violence against children. Criminal sanctions given to perpetrators of child abuse crimes can be in the form of long imprisonment, even life imprisonment, or the death penalty, depending on the severity of the violence committed. In addition to these regulations, Indonesia has also adopted provisions in international conventions, such as the UN Convention on the Rights of the Child (CRC), which Indonesia is a ratifier of. This provides an international legal framework that supports the protection of children in Indonesia. The implementation of these provisions, although they already exist, often faces various challenges in the field, both in terms of law enforcement and in terms of public understanding of the importance of protecting children.

### 2. Challenges in Law Enforcement in Child Molestation Cases

Although the Indonesian legal system has provided various legal instruments to handle cases of child molestation, there are still many challenges that hinder the effectiveness of law enforcement in these cases. One of the main challenges is the low public awareness of the importance of reporting crimes against children, including molestation. In many cases, especially those involving the victim's family or closest person, many families are reluctant to report the incident because they are afraid of social stigma or because of their kinship with the perpetrator. This often causes delays in handling cases and allows perpetrators to not be punished according to their actions. In addition, limited resources in law enforcement agencies are also a factor that affects the effectiveness of handling child molestation cases. In many cases, police officers and investigators are often not equipped with the skills and special training to handle child molestation cases, which require a sensitive approach to the trauma experienced by the victim. Without adequate skills, the investigation process can be hampered, and important evidence may not be collected properly. This reduces the opportunity to charge the perpetrator with the appropriate punishment. In addition to internal factors in law enforcement agencies, another external factor is the lack of social support and

rehabilitation facilities for victims. Children who are victims of molestation often experience deep psychological trauma, which requires special care for mental and emotional recovery. Unfortunately, in Indonesia, facilities for victim rehabilitation are still limited and uneven across regions. Many children need psychosocial support, but do not receive it well enough. Therefore, in addition to law enforcement, there needs to be more attention to the recovery of victims' conditions after the crime has occurred.

### 3. Implementation of Legal Policies and Procedures in Child Molestation Cases

The implementation of legal policies and procedures in Indonesia in handling child molestation cases has indeed been clearly regulated in the legislation, but in practice, there are several shortcomings. Legal procedures that are often complicated and time-consuming are one of the obstacles in handling child molestation cases. Many victims are afraid or unable to go through a long legal process, especially because trials often last for months or even years. This risks causing child victims to lose the opportunity to get justice quickly. In some cases, even though there is strong evidence, perpetrators often manage to escape punishment due to problems in the evidence collection process. The lack of special training for investigators in handling cases of sexual violence against children is also a major problem. Unprofessional investigations, such as interrogations that do not follow procedures, can result in the loss of evidence or victims becoming increasingly traumatized. In addition, the trial process for cases of sexual violence often faces obstacles due to the patriarchal views of society, where girls are often considered to be the ones to blame.

### 4. Victim Rehabilitation and Restorative Approach in Handling Child Abuse Cases

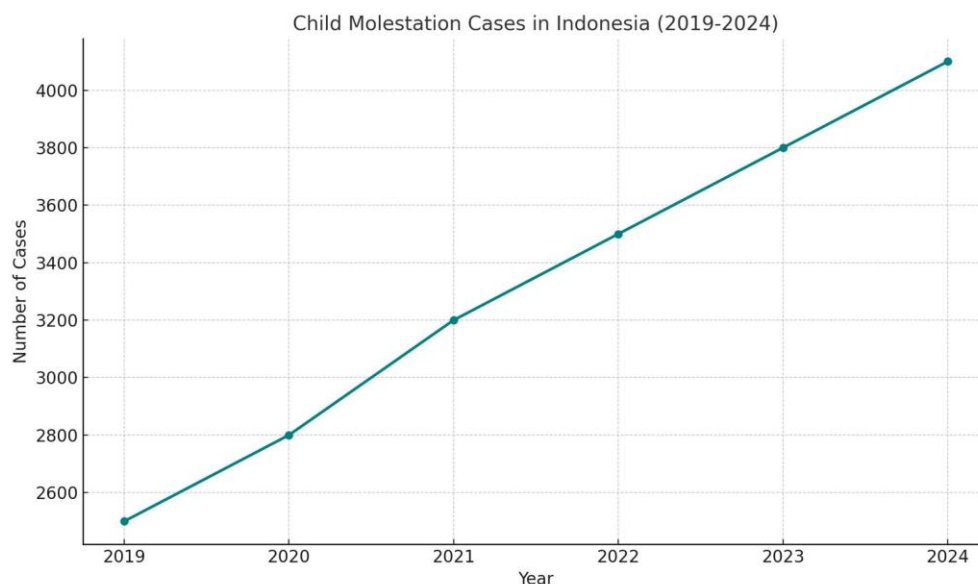
In addition to law enforcement, another very important aspect in handling child abuse cases is victim rehabilitation. Rehabilitation aims to help victims overcome the trauma they have experienced and help them return to normal life. In Indonesia, although there are several institutions that provide psychological and social rehabilitation services for child victims of violence, their number is still limited and uneven across regions. Many victims do not get the help they need to recover from their traumatic experiences. A restorative approach, which focuses on healing for victims and justification for perpetrators, can be an alternative in handling child abuse cases. In this approach, not only victims are given attention, but also perpetrators are given the opportunity to be accountable for their actions and receive guidance not to repeat their actions. This allows for more comprehensive recovery for all parties involved.

### 5. Recommendations for Improving Child Protection in Child Abuse Cases

Based on the analysis of the role of the legal system in handling child abuse cases in Indonesia, there are several recommendations that can be given to improve child protection. First, there needs to be an increase in the capacity of law enforcement officers in handling child molestation cases, both through special training on handling sexual violence against children, and by improving investigation procedures that are more sensitive to the conditions of the victims. Second, the government needs to increase public awareness about the importance of reporting cases of violence against children without fear of stigma or retaliation. Third, an improvement in the rehabilitation system for victims of child molestation is urgently needed, by providing more psychological and medical rehabilitation facilities throughout Indonesia. In addition, a broader restorative approach can be considered in handling child molestation cases. Through this approach, justice is not only seen from the punishment received by the perpetrator, but also how the victim can recover and get the opportunity to continue her life well. The government and society need to work together to create a safer environment for children, so that they can grow up without the threat of violence and exploitation.

## CONCLUSION

Based on the results of the research and discussion that has been conducted, it can be concluded that the legal system in Indonesia has a fairly strong legal basis in handling cases of child molestation, as stated in various laws and regulations such as the Child Protection Law, the Criminal Code, and various other policies that support the protection of children's rights. However, in its implementation, there are still various challenges, both in terms of law enforcement that is not yet fully effective, limited competent human resources, and the lack of adequate rehabilitation facilities for victims. In addition, low public awareness of the importance of child protection also becomes an obstacle in efforts to overcome cases of child molestation. Therefore, to strengthen legal protection for children, efforts are needed to increase the capacity of law enforcement officers, strengthen victim rehabilitation services, and active community participation in creating a safe and violence-free environment for children. With good synergy between the law, government, and society, it is hoped that the child protection system in Indonesia can run more effectively and be able to minimize the number of cases of sexual violence against children.



The graph illustrates the number of reported child molestation cases in Indonesia from 2019 to 2024. As shown, there has been a consistent increase in cases each year, rising from 2,500 cases in 2019 to 4,100 cases in 2024. This upward trend highlights a concerning escalation in incidents of sexual violence against children, despite the existence of legal protections and preventive measures. Several factors may contribute to this increase, including heightened public awareness and improved reporting mechanisms, which have encouraged more victims and families to come forward. However, the data also suggest that the prevalence of such crimes remains a significant challenge. These findings emphasize the urgent need for stronger law enforcement, comprehensive child protection programs, and enhanced support systems to reduce and ultimately prevent child molestation in Indonesian.

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