



Legal analysis of child protection as a victim of sodomy in decision number 2/pid.sus-anak/2021/pn kn

Enda Permana Mashuri Nasution, Isnaini, Ridha Haykal

Department of Law, Universitas Medan Area, Indonesia

Abstract

This study examines the legal protection of children as victims of sodomy in the context of decision Number 2/Pid.Sus-Anak/2021/PN Kn. The research method used is a normative juridical approach by collecting data from primary legal materials in the form of laws and court decisions, as well as secondary legal materials in the form of literature and scientific articles related to child protection and sexual violence. The results of the study show that the decision Number 2/Pid.Sus-Anak/2021/PN Kn affirms the court's commitment to following up on cases of child sodomy with strict punishment for the perpetrators and providing adequate protection for victims, including psychological assistance and identity protection. The recommendations included the need to strengthen coordination between institutions, increase the capacity of law enforcement officers through continuous training, and efforts to increase public awareness of the importance of reporting and handling cases of sexual violence against children seriously.

Keywords: Law, child protection, sodomy

Introduction

Child protection is an important issue in law and public policy in Indonesia (Bastian & Tukiman, 2024) ^[3]. Children as a vulnerable group need special attention from various parties to ensure that their rights are fulfilled and protected from all forms of violence and exploitation. Sexual violence against children, including sodomy, is one of the most horrific and damaging forms of crime, which not only violates human rights but also leaves a serious long-term impact on the physical and psychological development of children (Sumali, 2020) ^[26]. Law Number 35 of 2014 concerning Child Protection affirms the state's commitment to protect children from all forms of violence and exploitation (Patepa, 2020) ^[15]. This law provides a legal basis for various child protection efforts, including the handling of sexual violence cases. The legal protection provided includes preventive, repressive, and rehabilitative aspects, to protect and rehabilitate children who are victims of crime.

However, despite having a strong legal framework, the implementation of child protection in the field often faces various challenges. Cases of sexual violence against children that lead to court decisions often show a gap between legal norms and practices in the field. Handling cases of sexual violence against children requires a comprehensive and sensitive approach to the child's specific needs, including child-friendly legal processes and adequate psychological support.

This study focuses on the analysis of decision Number 2/Pid.Sus-Anak/2021/PN Kn, which is one example of a case of sodomy against children processed through the criminal justice system in Indonesia. This decision provides an overview of how the court enforces the law in cases of sexual violence against children and the extent of legal protection provided to victims. The analysis of this decision is important to evaluate the effectiveness of the juvenile criminal justice system in providing justice and protection for victims of sexual violence. A normative juridical approach is used in this study to analyze court decisions and

relevant laws and regulations. This method allows researchers to delve deeply into the legal aspects applied in the case and assess the extent to which existing laws can provide adequate protection for child victims of sexual violence.

In addition, this study also considers psychological and social perspectives in handling child victims of sexual violence. This approach is important to understand the impact of sexual violence on children and how appropriate interventions can help their recovery process. Thus, this study not only highlights the legal aspects but also provides recommendations for the overall improvement of the child protection system.

Overall, this study aims to contribute to a better understanding of legal protection for child victims of sexual violence in Indonesia. The results of this study are expected to provide input for policymakers, law enforcement, and various other relevant parties to strengthen the child protection system and ensure that children in Indonesia grow and develop in a safe and supportive environment.

Literature Review

1. The Concept of Child Protection in Indonesian Law

Child protection in Indonesia is regulated in various laws and regulations, the main one being Law Number 35 of 2014 concerning Child Protection (Mughni, 2023) ^[11].

This law defines a child as someone who is not yet 18 years old, including a child who is still in the womb. This law affirms that every child has the right to protection from violence, exploitation, discrimination, and other ill-treatment. In addition, children have the right to education, health, and an environment that supports their development. Legal protection for children covers various aspects, including protection from physical and sexual violence. In this context, criminal law plays an important role in sanctioning perpetrators of sexual violence against children and providing protection for victims (Widagdo & Yusuf, 2024) ^[27]. Law Number 17 of 2016 concerning the Stipulation of Government Regulations instead of Law

Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection Law also strengthens sanctions against perpetrators of sexual violence, including the threat of the death penalty or life imprisonment for perpetrators who cause the victim to die or experience permanent physical and mental disorders (Fadilah, 2020) ^[4].

2. Sexual Violence Against Children

Sexual violence against children is one of the most damaging and traumatic forms of crime (Alamri *et al.* 2024) ^[1]. According to the World Health Organization (WHO), sexual violence against children includes any form of sexual activity involving children and adults or children with other children without consent or in situations where the child does not understand or cannot give consent (Neherta *et al.* 2023) ^[13]. The impact of sexual violence against children is widespread, including psychological trauma, mental health disorders, physical problems, and difficulties in social and educational development.

Research shows that children who are victims of sexual violence often experience various psychological disorders, such as post-traumatic stress disorder (PTSD), depression, and anxiety. They are also at high risk of developing behavioral problems, difficulties in interpersonal relationships, and academic problems. Therefore, protection and rehabilitation for children victims of sexual violence is essential to help them overcome their trauma and move on with their lives well (Rahmi, 2018; P. H. Sinaga *et al.* 2023; S. M. Sinaga & Lubis, 2010) ^[23, 20].

3. Juvenile Criminal Justice System

The juvenile criminal justice system in Indonesia is regulated by Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (Fikri, 2020) ^[5]. This law aims to provide better legal protection for children who are facing the law, both as perpetrators and victims. The main principle is that juvenile criminal justice should be oriented towards recovery and rehabilitation, not just punishment. In handling cases of children as victims, courts are expected to consider the best interests of the child and provide special protection during the judicial process (Hafiezha *et al.* 2024) ^[7]. This includes child identity protection, child-friendly courtroom settings, and mentoring by psychologists or social workers.

4. Analysis of Court Decisions in Child Sexual Violence Cases

Analysis of court decisions in cases of sexual violence against children helps identify strengths and weaknesses in the justice system (Firmanzia & Bimo, 2024) ^[6]. Decision Number 2/Pid.Sus-Anak/2021/PN Kn is one concrete example that can be analyzed to understand how the court enforces the law in cases of sodomy against children. This analysis can reveal the extent to which the court considers aspects of child protection and how the law is applied in the case.

5. Psychological Approach in Handling Children Victims of Sexual Violence

A psychological approach is very important in handling child victims of sexual violence. Appropriate psychological intervention can help children cope with trauma and begin the recovery process (Perkasa *et al.* 2024) ^[16]. Research

shows that trauma therapy, counseling, and psychosocial support can reduce the negative impact of sexual violence and help children return to normal life. Rehabilitation programs that involve families and communities are also important to ensure comprehensive recovery (Riski *et al.* 2023) ^[21]. Psychological assistance must be provided by professionals who are trained and understand the special needs of child victims of sexual violence. In addition, psychological services must be easily accessible and provided continuously to ensure optimal recovery.

6. Inter-Institutional Coordination in Child Protection

The protection of child victims of sexual violence requires good coordination between various institutions, including the police, courts, social institutions, and health services. This collaboration is important to ensure that all aspects of child protection are met and that children receive the necessary support. Effective coordination between institutions can help in the process of identifying, handling, and rehabilitating child victims of sexual violence (Maulida, n.d.). Joint training programs, information exchange, and the establishment of inter-agency networks can increase the effectiveness of child protection (Nainggolan *et al.* 2010; Safrina *et al.* 2010; Zai *et al.* 2011) ^[12, 22, 28].

7. Weaknesses and Challenges in the Implementation of Legal Protection

Although there are already regulations governing child protection, implementation in the field often faces various challenges. Some of the drawbacks include a lack of resources, low public awareness, and a lack of training for law enforcement officials (Nugroho & Santoso, 2022) ^[14]. This study aims to identify these weaknesses and provide recommendations for improvement. Some of the challenges in the implementation of child protection include inconsistency in understanding and application of the law by law enforcement officials, limited rehabilitation facilities and services, as well as stigma and discrimination against child victims of sexual violence. Therefore, comprehensive and sustained efforts are needed to address these challenges and ensure that children's rights are properly protected.

Methodologists

This study uses a normative juridical approach to analyze and evaluate the legal protection of child victims of sodomy in decision Number 2/Pid.Sus-Anak/2021/PN Kn. The normative juridical approach is a legal research method that focuses on norms or rules that exist in laws and regulations as well as court decisions (Purvatti, 2020). The following are details of the research methods used in this study:

1. Research Approach

The normative juridical approach is carried out by examining relevant primary and secondary legal materials. Primary legal materials include applicable laws and regulations, such as:

- Law Number 35 of 2014 concerning Child Protection
- Law Number 11 of 2012 concerning the Juvenile Criminal Justice System
- Decision Number 2/Pid.Sus-Anak/2021/PN Kn
- Secondary legal materials include literature, scientific articles, journals, and previous research results related to child protection, sexual violence against children, and the juvenile criminal justice system.

2. Data Source

The data used in this study consists of primary and secondary data:

- Primary Data: Decision Number 2/Pid.Sus-Anak/2021/PN Kn which is the main object of the research.
- Secondary Data: Laws and regulations, textbooks, journal articles, and research reports related to child protection and sexual violence against children.

3. Data Collection Techniques

The data collection technique in this study is carried out through

- Document Study: Collection and analysis of legal documents, court decisions, laws and regulations, and relevant literature (Miles & Huberman, 1992) ^[10].
- Literature Review: A review of various scientific literature and previous research results related to the research topic to gain an in-depth and comprehensive understanding.

4. Data Analysis Techniques

Data analysis was carried out using qualitative descriptive techniques. The analysis steps include

- Data Identification and Classification: Identify and classify data obtained from court decisions, laws and regulations, and related literature.
- Data Interpretation: Interpreting data to understand how court decisions in child sodomy cases are applied and the extent to which legal protection is provided to victims.
- Critical Evaluation: Evaluate the strengths and weaknesses of court decisions and the implementation of legal protection for child victims of sexual violence.

5. Validity and Reliability

To ensure the validity and reliability of the research, the following steps are taken:

- Data Triangulation: Using various data sources (court decisions, laws, regulations, scientific literature) to gain a comprehensive understanding and avoid bias.
- Peer Review: Involves legal experts and academics to review and provide input on research results.

6. Research Procedures

The research procedure is carried out in several stages:

- Preparation Stage: Gathering primary and secondary legal materials, designing an analysis framework, and establishing a research focus.
- Data Collection Stage: Conduct document studies and literature reviews to collect the necessary data.
- Data Analysis Stage: Analyze the data that has been collected using qualitative descriptive techniques.

Results

This research focuses on the analysis of decision Number 2/Pid.Sus-Anak/2021/PN Kn in the case of child sodomy and how legal protection is applied in the case. The following are the results of the analysis of the decision:

1. Case Background

This case involved a 13-year-old child who was a victim of sodomy by the perpetrator who was his neighbor. This incident occurred repeatedly over several months before finally being revealed by the victim's family. This case was

then reported to the authorities and processed through the juvenile criminal justice system.

2. Judge's Consideration

In its ruling, the judge considered various aspects, including:

Evidence and Testimony: Evidence presented in court includes visum et repertum results showing signs of sexual violence against the victim. In addition, the testimony of the victim and other witnesses strengthened the evidence of the occurrence of sodomy. **Expert Testimony:** Expert testimony from a child psychologist stated that the victim experienced serious psychological trauma as a result of the incident.

Best Interests of Children: Judges also consider the best interests of children, both from the side of the victim and the perpetrator who is also a child. The judge emphasized the importance of rehabilitation and recovery for victims as well as education and rehabilitation for perpetrators.

3. Court Decision

The court sentenced the perpetrator to 10 years in prison and a fine of Rp 50 million as compensation to the victim. In addition, the court also ordered the perpetrator to undergo a psychological rehabilitation program during the sentence period.

4. Legal Protection for Victims

Courts provide legal protection to victims in several ways:

Identity Protection: The identity of the victim is kept secret during the judicial process to protect the privacy and dignity of the victim. **Psychological Assistance:** The court orders psychological assistance for the victim to assist in the recovery process from trauma. **Indemnity:** A fine imposed on the perpetrator as a form of compensation to the victim for the cost of treatment and rehabilitation.

Discussion

1. Analysis of Legal Protection for Child Victims of Sodomy

This study reveals several important aspects related to legal protection for child victims of sodomy in decision Number 2/Pid.Sus-Anak/2021/PN Kn. Further discussion includes:

Power of Legal Protection. The court sentenced the perpetrator to 10 years in prison, who showed a firm stance in responding to the crime of sexual violence against children. Severe punishments like this are expected to provide a deterrent effect for perpetrators and society in general. This decision prioritizes the best interests of the victim by providing identity protection and psychological assistance. This decision is in line with human rights principles that guarantee children's right to live, grow, and develop properly (Rahmasari, 2024) ^[19]. The court not only considers criminal penalties but also orders psychological rehabilitation for the perpetrator. This approach is important to prevent the recurrence of violent behavior and facilitate social recovery for perpetrators.

These forces have several significant implications in the context of legal protection for child victims of sodomy. Strict punishment and significant compensation can serve as a strong deterrent for perpetrators of sexual crimes against children. This is expected to reduce the rate of sexual crimes and provide a clear message that violence against children will not be tolerated. A victim-centric approach with

intensive psychological assistance helps in the victim's recovery process from the trauma he has experienced. By having adequate legal protection, victims can feel heard, respected, and supported in the judicial process. Rehabilitation of perpetrators not only provides criminal sanctions but also provides opportunities for perpetrators to make positive changes in their lives (Ibipurwo *et al.* 2022)^[8]. This approach opens up opportunities for the perpetrator to return to becoming a useful member of society after his sentence ends.

Weaknesses and Challenges

Although the court provides strong rulings, the proper and effective implementation of these rulings is often challenging. Lack of resources, both financial and personnel, can hinder the implementation of the required punishment and rehabilitation. The protection of child victims of sexual violence requires close collaboration between the police, courts, social institutions, and health services. The absence of effective coordination can result in a lack of comprehensive support for victims. In this context, it is important to continue to strengthen the child protection system by improving coordination between institutions, increasing the capacity of law enforcement through continuous training, and increasing public awareness of children's rights and the importance of protecting them from violence. Thus, it can be expected that children in Indonesia can live in a safe, protected environment and receive the necessary support to grow and develop optimally.

2. Evaluation of the Juvenile Criminal Justice System

This study also highlights the evaluation of the juvenile criminal justice system in Indonesia, especially in cases of sexual violence against children. This evaluation includes:

The juvenile criminal justice system in Indonesia is regulated by Law Number 11 of 2012 which emphasizes the rehabilitation and protection of children's rights (Pratama & Panjaitan, 2023)^[17]. Decision Number 2/Pid.Sus-Anak/2021/PN Kn provides an example of the implementation of these principles in concrete cases. The court imposed strict punishment on the perpetrators of child sodomy, as well as ordered psychological rehabilitation for the perpetrators. This shows the commitment of the justice system in providing sanctions that at the same time support the rehabilitation process of sexual offenders.

However, despite significant progress, the evaluation also revealed several challenges in the juvenile criminal justice system. One of them is the lack of adequate resources, both financially and personnel, to support the effective implementation of court decisions. In many cases, this results in limitations in the execution of sentences and rehabilitation orders. Another challenge is suboptimal coordination between related institutions, such as the police, courts, social institutions, and health services. Lack of effective collaboration can hinder the overall protection process for victims of child sexual violence.

Therefore, to improve the effectiveness of the juvenile criminal justice system, further efforts are needed to strengthen coordination between institutions, increase the capacity of law enforcement officers to handle these sensitive cases and ensure the availability of sufficient resources to support the effective implementation of child protection policies. This research makes an important contribution to understanding the dynamics of the juvenile

criminal justice system in Indonesia, especially in the context of protecting child victims of sexual violence. By continuing to improve understanding and support good implementation, it is hoped that a safer and more secure environment can be created for children in the future.

3. Recommendations for Improving Children's Legal Protection

Here are some recommendations to improve legal protection for children victims of sexual violence based on the results of this study

Strengthening the Child Protection System

Strengthening the child protection system is crucial in efforts to overcome sexual violence and ensure justice for victims, as seen in the context of decision Number 2/Pid.Sus-Anak/2021/PN Kn.

First of all, this strengthening effort needs to start by improving coordination between related institutions, such as the police, courts, social institutions, and health services. Closer collaboration between these institutions will ensure that the child protection process runs in an integrated and efficient manner. For example, police who are responsive in handling reports of child sexual abuse can facilitate the process of gathering appropriate evidence to strengthen the case in court, while courts can provide effective legal protection for victims. Furthermore, it is necessary to increase the capacity of law enforcement officials, including judges, prosecutors, and advocates, in handling sensitive cases such as sexual violence against children. Intensive training on the legal, psychological, and social aspects of these crimes will prepare them to provide more holistic and in-depth protection for victims (Azhar, 2023)^[2].

In addition, public awareness must also be significantly increased. The public needs to be given a better understanding of the signs of sexual violence against children, proper reporting procedures, and the importance of providing moral and emotional support to victims. By raising this awareness, it is hoped that the number of reported cases can increase, so that legal action can be taken immediately to protect victims and prevent similar incidents in the future. The implementation of policies that support and protect children's rights must also be strengthened. This includes better public policy formulation, adequate budget allocation for institutions involved in child protection, and periodic evaluations of the successes and challenges in the implementation of these policies. By strengthening the child protection system through inter-agency collaboration, increasing the capacity of law enforcement, increasing public awareness, and implementing effective policies, it is hoped that we can create a safer and more responsive environment for the protection of children's rights in Indonesia. These measures are important to ensure that every child has equal access to justice and protection, without exception.

Strengthening Sanctions and Rehabilitation.

Strengthening sanctions and rehabilitation is an important component of the legal protection system for children victims of sexual violence, as illustrated in decision Number 2/Pid.Sus-Anak/2021/PN Kn. First of all, strict sanctions against perpetrators of sexual crimes are very important to affirm that violence against children is an unacceptable act in society. Court decisions that impose severe criminal penalties, such as imprisonment, give a strong signal that

serious violations of children's rights will be taken seriously by the law. These strict sanctions also serve as a deterrence factor that can reduce the likelihood of similar crimes occurring in the future.

In addition to criminal punishment, rehabilitation approaches also have a crucial role in ensuring that sexual offenders can change their behavior and reintegrate them back into society in a more positive way. Psychological and social rehabilitation programs that are tailored to the characteristics of the perpetrator and the type of crime committed can help them address the causes of criminal behavior, such as psychological disorders or environmental factors that support violent acts. Rehabilitation aims not only to reduce the risk of perpetrators committing similar crimes in the future but also to restore their psychological well-being (Ibipurwo *et al.* 2022) ^[8]. In the context of child protection, an effective rehabilitation program must also pay attention to the protection aspect of victims and the general public. Strict monitoring mechanisms and regular evaluations of the development of perpetrators in rehabilitation programs are key to ensuring the success and effectiveness of these efforts.

In addition, a rehabilitation approach can also help the community to better understand that sexual offenders are also human beings who need help and support to change (Sudarmaji & Sebyar, 2023) ^[25]. Thus, this approach not only focuses on punishment but also on social recovery which can help improve the relationship between the perpetrator and the surrounding community. In facing the challenges of implementing effective sanctions and rehabilitation, commitment from various parties is needed, including law enforcement agencies, mental health professionals, and society as a whole. Close collaboration and good coordination between institutions and sectors are key to ensuring that sanctions and rehabilitation are not only carried out formally but also have a real positive impact on the safety and protection of children in Indonesia.

Conclusion

Effectiveness of Court Decisions: Decision Number 2/Pid.Sus-Anak/2021/PN Kn shows the court's commitment to enforcing the law against perpetrators of sexual violence against children. The prison sentences imposed and rehabilitation orders for the perpetrators are crucial steps in ensuring justice for victims and the community. **Protection of Children's Rights and Interests:** Protection of victims' identities, psychological assistance, and the provision of compensation shows the court's awareness of the importance of prioritizing the best interests of children in every judicial process. **Challenges in Implementation:** Although court rulings have taken significant steps, challenges in the implementation of legal protections remain. Lack of resources, ineffective coordination between institutions, and low public awareness are some of the main obstacles that need to be overcome. **Recommendations for System Improvement:** Based on the results of this study, it is recommended to strengthen child protection systems by improving inter-agency coordination, increasing the capacity of law enforcement officers through intensive training, and expanding access to services for victims of sexual violence, especially in remote areas. **The Importance of Public Awareness and Education:** Increasing public awareness of sexual violence against children and the

importance of reporting and handling these cases seriously is key to protecting children from these dangers.

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