



## MENTORING CASES OF CHILD SEXUAL ABUSE IN LRC-KJHAM FOR THE PERIOD 2021 – 2023

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### Abstract

*This Article Explains and analyze the assistance of cases of child sexual violence at LRC-KJHAM for the period 2021 - 2023, the obstacles faced by LRC-KJHAM in efforts to assist victims of child sexual violence and how to overcome them and analyze the fulfillment of the rights of child victims of sexual violence who have been assisted by LRC-KJHAM. The type of research is empirical juridical, examining the applicable legal provisions and what happens in society. In this research, using qualitative methods to provide descriptive data that can be used to write a broad picture of the state of things under study. The data used is primary data refers to information collected directly from the original source, namely interviews with assistants of victims of child sexual abuse and observations at LRC-KJHAM and analyzing Law Number 35 of 2024 Amendments to Law Number 23 of 2002 concerning Child Protection, and Law Number 12 of 2022 concerning Crimes of Sexual Violence. Secondary data obtained from other written sources such as books, scientific journals, archival materials, papers, theses, theses, legal dissertations, and official documents. But in fact, in providing assistance from the start of handling, protecting and recovering victims of child sexual violence, the assistants still experience obstacles and challenges.*

**Keywords: child sexual abuse, victim, assistance, law**

### INTRODUCTION

UN Declaration explicitly stated that “All persons are born free and equal in dignity and rights. They are endowed with reason and conscience and should associate with one another in a spirit of brotherhood” (Article 1 Universal Declaration of Human Rights) (UN, 1948).

“Any distinction, exclusion or restriction made on the basis of sex,

which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field, on a basis of equality of men and women” (Article 1 of the Convention on the Elimination of All Forms of

*Discrimination Against Women (CEDAW)).*

But in reality, in many cases, women, especially girls, continue to experience violence, discrimination and subordination. As a result, women, especially girls, often do not have the freedom to enjoy their human rights and become very vulnerable to violence. How often girls adorn the mass media news not in the capacity as a figure who excels in school, but as a victim of physical, or sexual violence.

Every child has the right to survival, growth, and development as well as protection from violence and discrimination. This is expressly stated in Article 28 B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, and is the philosophical basis for providing protection to children. In fact, sociologically, cases of sexual violence against children have entered an alarming or pathetic stage. There are biological fathers who rape their children, there are stepfathers who rape their stepdaughters, there are boyfriends who rape their girlfriends who are still children.

The right of children to be free from physical, psychological, and sexual abuse and violence can be said to often happen to children. The crime of rape is a crime that has received considerable attention in society, because the quantity in society seems to be increasing, causing unrest in the community (Darma, 1996).

The problem of rape that occurs in children is an example of the low position of women towards men's sexual interests, the sexual image of

women who have placed themselves as male sexual objects has far-reaching implications. In their daily lives, women always face violence, coercion and torture both physically and psychologically. On that basis, rape is not only a reflection of the image of women as sex objects, but as objects of male power (Anshari, 1997). This means that women are still placed in a marginalized position. Women are not only objects of sexual gratification from men, but are familiar with a variety of violence, seen as weak beings, who must be controlled, exploited and enslaved by men.

The state upholds the human rights of children, which is marked by the guarantee of protection and fulfillment of children's rights in the 1945 Constitution of the Republic of Indonesia, which is strengthened by the ratification of the International Convention on the Rights of the Child through Presidential Decree Number 36 of 1990 concerning the ratification of the Convention on the Rights of the Child. This convention explains that children have various rights guaranteed by the state, namely the right to life, the right to protection, the right to equal rights before the law, the right to non-discrimination, the right to quality education and so on (Rahmi, 2018)

The definition of a child is contained in several legal instruments, both national and international legal instruments. Those who fall into the category of children are someone who is not yet 18 years old and includes those who are still in the womb, this is contained in Law Number 35 of 2014

concerning Amendments to Law Number 23 of 2002 concerning Child Protection (Noviana, 2015). Article 330 of the Civil Code stipulates that an adult has not reached the age of 21 (twenty-one) years and has not previously been married (Yusyanti, 2020). As for the definition of a child contained in the Convention on the Rights of the Child, a child is any individual under the age of 18 years unless the legislation applicable to the child determines that adulthood is reached earlier.

The state takes a role in providing protection so that children get the rights they deserve including the right to life, the right to non-discrimination, the right to protection and the right to equal treatment before the law. The above rights are a form of protection by the state against its citizens. With the passing of various laws to protect children from sexual violence such as the PA Law, the Child Criminal Justice System, the TPKS Law, the Criminal Code.

Sexual violence is an issue that has long been discussed in Indonesian society, not only women of mature age who are vulnerable to sexual violence but women of child age are also very vulnerable to sexual violence. The occurrence of sexual violence against girls has caused tremendous unrest in the community. One of the cases that occurred was a case of sexual violence where a child victim of sexual violence who had a dating relationship with the perpetrator was recommended by the police for

mediation with the perpetrator. Not only that, but the police also consider cases of sexual violence experienced by child victims due to "mutual consent" and do not believe what is conveyed by the victim even though the victim has said that there are elements of physical violence and seduction (Case assisted by LRC-KJHAM, Year 2023).

The case described above is only one of the many cases of sexual violence assisted by Community-Based Service Institutions where children are the victims. Based on data obtained from the National Commission on Violence Against Women website throughout 2021-2023, 3,218 children were victims of violence against women. Based on data from the Annual Report on the Situation of Violence against Women Legal Resources Center for Gender Justice and Human Rights (LRC-KJHAM) in 2021, 41 girls experienced sexual violence, in 2022 59 girls experienced sexual violence, in 2023 47 girls experienced sexual violence. However, the law in Indonesia has not fully provided protection for victims and strict legal consequences for perpetrators. This is an obstacle to the fulfillment of the rights of child victims of sexual violence who are assisted by assistants at LRC-KJHAM.

Based on the description above, the researcher is interested in examining research on how is the assistance of cases of child sexual violence at LRC-KJHAM for the period 2021 - 2023, what are the obstacles faced by LRC-KJHAM in an effort to carry out assistance in cases of child sexual violence and how to overcome the

obstacles that occur, and how to fulfill the rights of child victims of sexual violence who have been assisted by LRC-KJHAM.

## MAIN PROBLEM

The main problem discussed in this article was how to Explain and analyze the assistance of cases of child sexual violence at LRC-KJHAM for the period 2021 - 2023, the obstacles faced by LRC-KJHAM in efforts to assist victims of child sexual violence and how to overcome them and analyze the fulfillment of the rights of child victims of sexual violence who have been assisted by LRC-KJHAM.

## RESEARCH METHODS

The type of research in this study is empirical juridical, examining the applicable legal provisions and what happens in reality in society. In this research, using qualitative methods to provide descriptive data that can be used to write a broad picture of the state of things under study.

The data used is primary data refers to information collected directly from the original source, namely interviews with assistants of victims of child sexual abuse and observations at the Legal Resources Center for Gender Justice and Human Rights (LRC-KJHAM) and analyzing Law Number 35 of 2024 Amendments to Law Number 23 of 2002 concerning Child Protection, and Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence.

Secondary data obtained from other written sources such as books, scientific journals, archival materials, papers, theses, theses, legal dissertations, and official documents.

## RESEARCH RESULTS

### A. Child Sexual Abuse Case Assistance 2021 - 2023 at LRC-KJHAM

Table 1. Types of Child Sexual Abuse Cases from 2021 - 2023 at LRC-KJHAM

NO	CASE TYPE	AMOUNT
1.	Intercourse with a Child	31
2.	Sexual Exploitation	10
3.	Sexual Slavery	9
4.	Dating Violence (KDP)	9
5.	Physical Sexual Abuse	6
6.	Electronic Sexual Violence (ESV)	6
7.	Rape	2
8.	Trafficking	1

Based on the data above, intercourse with children is the most common case of child sexual abuse assisted by LRC-KJHAM in 2021-2023. Then sexual exploitation, sexual slavery, dating violence, physical sexual harassment, electronic-based sexual violence, rape and trafficking.

Table 2. Types of Child Sexual Abuse Case Assistance for the 2021-2023 Period

NO	TYPE OF ASSISTANCE	AMOUNT
1.	Legal Assistance	42
2.	Counseling	30
3.	Psychological	19
4.	MediCAL	12
5.	Medicolegal	12
6.	Social Reintegration	5
7.	Repatriation	1

Based on the data above, most victims of sexual violence access legal

aid. The legal aid assistance in question is assistance with reporting to the police, to court decisions.

## **B. Constraints Faced by LRC-KJHAM in Efforts to Assist Victims of Child Sexual Abuse and How to Overcome Them**

### **1 Counseling Assistance**

in providing counseling to victims, there are obstacles faced by the assistants, namely when the victim can not be open with the assistants so that counseling must be done more than once, then there are also victims who do not realize that they are the victims so that in every counseling conducted by LRC-KJHAM always convey information related to what violence against women is and what rights victims should receive. Because, if the victim himself does not know that he is a victim, it is difficult for the victim decide on the services needed next, because in case assistance requires the victim's decision on the next service.

### **2 Psychological Assistance**

The obstacle in psychological assistance is when the victim still feels the psychological impact of sexual violence experienced so that the victim cannot open up directly with the new person known (red psychologist or psychiatrist), not to mention there are psychiatrists or psychologists who even blame the victim, give advice to the victim, and doubt the victim's statement because he is still a child it makes the victim traumatized again and make the victim a second time.

### **2 Medical Assistance**

Women and children who experience problems sometimes come in physical conditions that require medical treatment and rehabilitation services so that the companion needs to immediately provide treatment to victims of sexual violence. Previously companion always facilitated in coordination with the officers of the Integrated Service Center of Central Java Province and can directly refer cases of sexual violence to the Regional Hospital, but after the enactment of the law on criminal acts of Sexual Violence mentioned that each region is required to establish a Technical Implementation Unit of women and Children Protection Area (UPTD PPA), but, a new victim can be identified. The process is getting longer and bureaucratic, whereas for the handling of sexual violence cases, special and quick strategies are needed, especially with regard to the health of the victim.

### **3 Medicolegal Assistance**

When the victim has conducted a *visum et repertum* and it is found that there is laceration in the assistance of LRC-KJHAM, the doctor does not immediately notify the victim but only conveys that the results of the *visum et repertum* will be conveyed to the police, this is a fear for the victim regarding how the results of the visum can be used as a supporting document for evidence during the legal process or not. There were findings that the victim was asked to pay for the *visum et repertum* that had been carried out, because at that time the victim was not accompanied by a government-owned

institution cause she was accompanied by a government-owned institution.

#### 4 Legal Aid Assistance

Victims who come to complain to LRC-KJHAM usually when experiencing sexual violence do not directly complain to community-based service agencies such as LRC-KJHAM but in latent because they feel it is a disgrace, fear of stigma surrounding community, fear of the threat of perpetrators if reported, fear of stigma and the perspective of law enforcement officers who will blame the victim, in some cases of sexual violence accompanied by LRC-KJHAM law enforcement officials still consider sexual violence "consensual", cases of child sexual violence are mediated, not believing the victim's statement because they think the victim is still a child. So that in this process the Companion provides information from the level of police investigation, pre-prosecution level (prosecutor's office), prosecution level (court) and execution by the prosecutor. It was also found that the interpretation of law enforcement officials on the substance of the sexual violence criminal act is still gender biased, making it difficult for victims to collect evidence of sexual violence experienced. There is also still a court decision that has not been maximized for child sexual abuse victims, in the last 3 years the highest court decision that has been accompanied by LRC-KJHAM is 12 years, in the decision there should be a question of restitution but in its implementation the restitution has never been obtained by the victim. Victims also can not

necessarily get a letter of notification of the development of the results of the investigation (SP2HP), it makes it difficult for victims and their families to know the updated information on the development of cases reported by the victim.

#### 5 Social Reintegration Assistance

Victims of child sexual abuse are usually still students, but because of the sexual violence experienced, the victim is expelled from school, cannot take exams, or is asked to resign from school.

The obstacles experienced by the victim in the process of assistance have an impact on the fulfillment of the victim's right to justice. To anticipate the obstacles experienced, there are several strategies that are often carried out together with victims at the reporting stage, investigations, prosecution, trial, execution of decisions, among others:

- a. Sending *urgent action* and letter of insistence to the institution / agency where the accompanied case is hampered. for example, such as police, prosecutors and courts, institutions/government agencies.
- b. Conduct a case *press conference* accompanied by an agreement with the victim, so that the case can be monitored through social media.c. Melakukan audiensi ke lembaga terkait.
- d. Send the SP2HP application to the police and send copies to relevant institutions, such as the Supreme Court, Attorney General, Police Headquarters, Komnas HAM, Komnas Perempuan, KPPPA RI.
- e. Conduct discussions with criminal experts, Komnas Perempuan, related OPDs and civil

- society/government network institutions.
- f. Involving LPSK in assistance, recovery, and calculation of restitution for victims.
  - g. Involvement of victims in each case assistance.
  - h. Make releases and involve the media for cases of violence against women with the consent of the victim.

### **C. Fulfillment of the rights of Children Victims of sexual violence who have been accompanied by LRC-KJHAM**

Based on the assistance of LRC-KJHAM child victims of violence in the last 3 years the impact of sexual violence resulted in the victim died, leaving a torn wound in the vagina to cause pregnancy so that the victim had to give up not having education or moving places to study and away from peers who have known for a long time. Found Hospital *visa visum et repertum* services for children victims of sexual violence paid, if the victim is not accompanied by government agencies or community-based service agencies. The victim of child sexual violence is considered a disgrace by the school, the victim is expelled from school, the victim is asked to change schools, and also because many of the victim's friends already know that the victim experienced sexual violence makes the victim shunned by friends and is considered to tarnish the good name of the school so that the victim is afraid and psychologically affects the victim. Child sexual abusers are the victim's own closest people such as biological father, stepfather, grandfather, uncle. In getting legal assistance, the victim is asked to

mediate by the perpetrator, which is delivered directly by the police, even though the victim's family and the victim have refused to report it at the beginning to the police, the victim does not believe his statement is considered sexual violence experienced because of "consensual", the victim is asked to find evidence on his own, besides that the victim does not get restitution, then the court decision is not optimal. In the directory of court decisions, it is still found that the decision has the full name of the victim, usually it will ask the victim if his name is listed how and the victim always expresses discomfort if his name is listed so that the assistance must carry out a strategy, namely writing to the Supreme Court.

### **DISCUSSION**

The phenomenon of sexual violence against children that continues to this day is like an iceberg phenomenon, which is very worrying. Based on the data from the annual report on the situation of violence against women in 2021, 41 girls experienced sexual violence, in 2022 59 girls experienced sexual violence, in 2023 47 girls experienced sexual violence.

LRC-KJHAM assists cases of child sexual violence, namely child copulation, sexual exploitation, sexual slavery, dating violence, physical sexual abuse, electronic-based sexual violence, rape, trafficking for sexual purposes. Child victims of sexual violence who make complaints to LRC-KJHAM, mostly get legal assistance, psychological assistance, medical, social reintegration, and repatriation.

In fulfilling the rights of victims of sexual violence, from handling, protection, and recovery, LRC-KJHAM works together with the Central Java Provincial Office of Women and Children Empowerment, the Regional Technical Implementation Unit for the Protection of Women and Children, Community-Based Service Institutions, Witness and Victim Protection Institutions and receives case referrals from Komnas Perempuan or other Community-Based Service Institutions. However, in fact, in providing assistance for cases of sexual violence, LRC-KJHAM experienced obstacles and challenges despite the existence of comprehensive regulations (Mukharomah, 2024)

LRC-KJHAM provides assistance services such as legal assistance, counseling, psychological, medical, medicolegal, social reintegration, and repatriation. However, assistants still experience obstacles, including structural obstacles in the integration of assistance between government agencies and community service provider institutions. Constraints also occur in the form of victim blaming, where victims are often blamed and do not get the protection they should. Victims should not bear the cost of post mortem and necessary health services. Structural constraints occur because the integration of assistance for cases of child sexual abuse between government agencies and community service providers is not optimal. Therefore, the process of referring victims to get medical services and psychological recovery is still constrained by time-consuming

procedures. In addition, the community often blames victims of sexual violence and law enforcement officials tend not to prioritize the protection of victims.

Other obstacles when reporting cases to the police, there are still investigators who do not believe the victim's testimony, the victim is considered "consensual", there are still investigators who blame victims of sexual violence. Cases are processed for a very long time until the victim decides to withdraw the report, cases of child sexual abuse are recommended for mediation. Law enforcement is very important in resolving a case. Weak law enforcement can have a negative impact on the enforcement of sexual violence cases in Indonesia (Ronjo, Leo, & Manafe, 2024). This is contrary to the Law on Sexual Violence (TPKS), which regulates the right of victims to protection from the attitudes and behaviors of law enforcement officials who demean victims. Thus, there are still many challenges and obstacles in assisting victims of child sexual abuse that need to be addressed by government agencies and community-based service providers. This is important so that victims get protection and services in accordance with their rights as stated in the TPKS Law Article 66 paragraph 1 that victims are entitled to handling, protection, and recovery from the occurrence of criminal acts of sexual violence. Thus, the protection and defense of the rights of victims of child sexual abuse can be carried out in accordance with existing laws and regulations. Obstacles in assisting victims can hinder their right to justice.



To overcome the obstacles faced by LRC-KJHAM, in assisting cases of child sexual abuse there are strategies carried out by LRC-KJHAM. Thus, victims can be more involved and the assistance process can run better.

Child protection guarantees are clearly stipulated in the constitution that every child has the right to live, grow and develop and get protection against discrimination and violence both physically, psychologically, and sexually. The impact of sexual violence against children includes death, injury, pregnancy, and psychological impact.

Perpetrators of sexual violence against children are also often the closest people, such as biological fathers, uncles, grandfathers or other family members. In Law Number 23 of 2002 as amended by Law Number 35 of 2014 concerning Child Protection, the crime of rape against children is specifically regulated in criminal law. Based on Article 76 d of Law Number 23 of 2002 as amended by Law Number 35 of 2014, all persons are prohibited from using violence to force children to have relations with themselves or with other persons (Nafisah & Faozi, 2021)

In detail, the efforts to protect victims are firmly and straightforwardly regulated in Article 69 of the Child Protection Law, including getting education related to the importance of reproductive health, as well as getting education on religious values and decency, getting social rehabilitation so that children who are victims of social crimes can return to society without stigma, victims get psychological assistance and

treatment until the victim recovers and the trauma disappears and can return to normal activities, victims get protection and legal assistance from all levels of examination both at the police, prosecutor's office and court (Jamaludin, 2021)

Health, education, and protection services for child victims of sexual violence are still not fully met, especially if victims do not get assistance from government agencies or the community. Victims also often have difficulty in obtaining legal assistance, restitution, and privacy in legal proceedings. Non-governmental organizations (NGOs) are part of *Civil Society*, where NGOs are founded by a group of people who have full awareness of improving civilization. NGOs serve as a means of channeling the aspirations of the community and the fulfillment of social services. The existence of NGOs such as LRC-KJHAM in the midst of the government has an important role. Such as forming public awareness, assisting the community, educating the community, and criticizing government performance through actions such as protests, lobbying, counseling, training, and others (Mahmudah & Widiyarta, 2023).

Legal protection for victims of sexual violence, especially children, is regulated in Law No. 35 of 2014 concerning the protection of children and the rights of victims of sexual violence, including regulating the role and duties of service providers and the government in the implementation of prevention, protection and recovery of victims regulated in Law No. 12 of 2022 concerning criminal acts of sexual violence (Khumaeroh, 2023).

The rights of children and victims of sexual violence are regulated in different regulations. Nevertheless, violations of the rights of children victims of sexual violence are still frequent, so that the protection that should be received by victims is not always fulfilled and is still not optimal. Government agencies and communities need to maximize efforts to fulfill the rights of child victims of sexual violence so that victims can get proper and fair protection in accordance with their rights.

## CONCLUSION

Assistance for cases of child sexual abuse for the 2021-2023 period at LRC-KJHAM involves government institutions from the Province, Regency / City, and National. Integration between government institutions and community service provider institutions has experienced obstacles, including in the process of referring victims who need medical assistance, psychological recovery, and medicolegal. This makes victim assistance unable to quickly provide services to victims. In addition, the community that blames victims, law enforcement officials who consider sexual violence against children "consensual", and budget issues are also obstacles in efforts to assist victims of child sexual violence. To overcome these obstacles, LRC-KJHAM has taken various actions, such as sending urgent letters to related institutions/agencies, conducting press conferences on cases assisted, conducting hearings to related institutions, and involving LPSK in assistance, recovery, and calculation of restitution for victims. In

addition, to fulfill the rights of child victims of sexual violence, LRC-KJHAM has proposed various suggestions. For law enforcement officials, they need to implement the Criminal Code, Law 34 of 2014 on Child Protection, Law No. 13 of 2006 on Witness and Victim Protection, Law No. 11 of 2012 on the Juvenile Justice System, Law No. 12 of 2022 on Crimes of Sexual Violence, Law No. 39 of 1999 on Human Rights and Law No. 23 of 2004 on the Elimination of Domestic Violence. For the government, it is necessary to encourage UPTD PPA to be able to provide handling, protection and recovery services for victims of sexual violence. As for community-based service providers, families, and communities, they have an important role in assisting cases of sexual violence against children, and need to supervise, provide support, and accept and understand the victim's condition. Although there are rules governing the assistance of victims of child sexual abuse, and violations of the rights of children victims of sexual violence still continue to occur, LRC-KJHAM hopes for better implementation from all relevant parties to provide the right to justice for victims of child sexual abuse.

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