

Aspect Legality and Implementation Criminal To Exploitation Child Sexual Abuse in Indonesia: A Case Study Decision No. 387/ Pid.Sus /2024/PN Sgl

Hartato Barquzzaman¹, Muhammad Adystia Sunggara²

Faculty of Law, Pertiba University

Email: dr.m.adystiasunggara@gmail.com , hartatoa8star@gmail.com

Article info

Received: March 24, 2025

Revised: Jul 7, 2025

Accepted: Ags 6, 2025

DOI: <https://doi.org/10.31599/krtha.v19i2.4348>

Abstract : *This research aims to analyze the legal aspects and criminal sanctions related to child sexual exploitation in Indonesia, focusing on the case study of Decision Number 387/Pid.Sus/2024/PN Sgl. Child sexual exploitation is a serious issue that impacts the lives of victims and society. This study examines the application of criminal law as stated in Article 88 in conjunction with Article 76I of Law No. 35/2014 on Child Protection, as well as the challenges in law enforcement in Indonesia. The research utilizes a normative approach with an analysis of related court decisions. The results indicate that although there are clear regulations, challenges remain in the application of criminal law regarding child sexual exploitation, particularly in terms of evidence and victim recovery. The author also recommends the need for stricter law enforcement and more effective strategies to prevent child sexual exploitation in the future.*

Keywords: *Child Sexual Exploitation, Criminal Law, Child Protection*

Abstrak : Penelitian ini bertujuan untuk menganalisis aspek legalitas dan penerapan pidana terhadap eksploitasi seksual anak di Indonesia, dengan fokus pada studi kasus Putusan Nomor 387/Pid.Sus/2024/PN Sgl. Eksploitasi seksual anak merupakan permasalahan serius yang berdampak pada kehidupan korban dan masyarakat. Dalam penelitian ini, penulis mengkaji penerapan hukum pidana yang tercantum dalam Pasal 88 jo. Pasal 76I UU No. 35 Tahun 2014 tentang Perlindungan Anak, serta tantangan dalam penegakan hukum di Indonesia. Penelitian ini menggunakan metode pendekatan normatif dengan analisis terhadap putusan pengadilan yang terkait. Hasil penelitian menunjukkan bahwa meskipun terdapat peraturan yang jelas, masih terdapat tantangan dalam penerapan hukum pidana terkait eksploitasi seksual anak, terutama dalam hal pembuktian dan pemulihan bagi korban. Penulis juga merekomendasikan perlunya penegakan hukum yang lebih tegas dan strategi yang lebih efektif dalam mencegah eksploitasi seksual anak di masa depan..

Kata Kunci : Eksploitasi Seksual Anak, Pidana, Perlindungan Anak



I. INTRODUCTION

Child sexual exploitation¹ is a very serious crime and damages the lives of children, who are often unable to defend themselves. This crime not only impacts the physical and psychological well-being of victims, but also threatens their future and development as individuals. In the context of Indonesian law, acts of sexual exploitation of children are regulated by Law Number 35 of 2014 concerning Child Protection, which is a revision of Law Number 23 of 2002. Although there have been various efforts to address this problem, such as through the development of regulations and policies that support child protection², significant challenges in the implementation of criminal law related to child sexual exploitation remain.

Cases of child sexual exploitation are increasing, both by irresponsible individuals and groups, as in Decision Number 387/Pid.Sus/2024/PN Sgl. The case that is the focus of this research reveals how a defendant, Cindi Nabila (alias Sindi), was involved in a crime that used a child for the purposes of sexual exploitation by several adults³, including witnesses Sutan Aditiya and Tegar. The crime that occurred in this case not only involved clear acts of intercourse⁴, but also the practice of human trafficking in the form of sexual exploitation⁵. This crime exploits the helplessness of children, who are trapped in job offers that ultimately lead to sexual abuse that occurs in various places.

This case highlights concrete legal issues that require further study, particularly regarding the application of criminal law in cases of child sexual exploitation⁶. In this case, there is a discrepancy between existing regulations and law enforcement practices in the field. One key issue is how criminal law, which is supposed to protect children from all forms of violence and exploitation, still faces challenges in implementation. The ongoing legal process often encounters obstacles in terms of providing evidence, rehabilitating victims, and imposing appropriate punishments on perpetrators.

Decision Number 387/Pid.Sus/2024/PN Sgl is representative of how criminal law is applied in cases of child sexual exploitation in Indonesia. In this case, the defendant was

¹ Made Fiorentina Yana Putri and Diah Ratna Sari Hariyanto, "Legal Protection of Children as Victims of Sexual Exploitation Based on Law No. 35 of 2014 Concerning Child Protection," *Journal of Legal Interpretation* 4, no. 1 (2023): 100–107, <https://doi.org/10.22225/juinhum.4.1.6546.100-107>.

² Widya Cindy Kirana Sari, "Legal Protection for Children as Victims of Sexual Exploitation Crimes," *Indonesian Law Student Writers Association Law Journal* 2, no. 1 (2022): 61–72, <https://doi.org/10.15294/ipmhi.v2i1.53747>.

³ Putu Cyntia Rizdyanti et al., "Legal Protection for Children as Victims of Commercial Sexual Exploitation on Social Media," *Journal of Legal Construction* 2, no. 2 (2021): 332–37, <https://doi.org/10.22225/jkh.2.2.3232.332-337>.

⁴ Citra Kirana and Dwi Alfianto, "ANALYSIS OF DECISION NUMBER 9/PID.SUS-ANAK/2023/PN.JKT.BRT REGARDING THE CRIMINAL CHARGE OF SEXUAL INTERCOURSE BY A CHILD AGAINST A CHILD: Analysis Of Decision Number 9/Pid.Sus-Anak/2023/Pn.Jkt.Brt Regarding The Criminal Charge Of Sexual Intercourse By A Child Against A Child," *Trisakti Legal Reform* 6, no. 3 (2024): 1304–13, <https://doi.org/10.25105/refor.v6i3.21127>.

⁵ Gilang Kresnanda Annas and Ahmad Izzul Asyrofisyauqi, "Legal Protection for Victims of Sexual Exploitation in Human Trafficking Crimes in Yogyakarta," *Caraka Justitia Law Journal* 4, no. 2 (2024): 105–22, <https://doi.org/10.30588/jhcj.v4i2.1972>.

⁶ M. Chaerul Risal, "Legal Protection for Victims of Sexual Violence Following the Enactment of the Sexual Violence Crime Law": Implementation and Effectiveness, " *Al Daulah : Journal of Criminal and Constitutional Law*, June 23, 2022, 75–93, <https://doi.org/10.24252/ad.v1i2.34207>.

sentenced to imprisonment and a fine ⁷, but there are major questions regarding the effectiveness of the punishment, particularly regarding the long-term impact on the victim and the perceived justice for the community. Although the law has established quite severe criminal penalties, as stipulated in Article 88 in conjunction with Article 76I of Law No. 35 of 2014, its implementation does not always run smoothly. Proving cases involving child victims ⁸ often requires highly sensitive and complex evidence, which is often difficult to collect. Furthermore, the legal process does not always pay attention to the psychological needs of victims ⁹, which in many cases ignores children's rights to ¹⁰adequate protection and rehabilitation.

Furthermore, there are other issues related to a lack of knowledge about child protection regulations and procedures, which causes most cases of child sexual exploitation to go undetected early or to be delayed in the judicial process. The public is often unaware of the importance of reporting, and stigma and fear prevent victims or witnesses from speaking out. This highlights the need for more in-depth research into the effectiveness of laws in protecting children ¹¹, as well as the challenges faced by the Indonesian criminal justice system in handling similar cases.

This study highlights the various legal aspects and application of criminal penalties for child sexual exploitation, as well as exploring how law enforcement practices should accommodate the protection of children ¹²as victims of this crime. A key aspect of this research is to evaluate whether the penalties imposed on perpetrators of child sexual exploitation align with the principles of social justice and fully respect the rights of victims. Furthermore, this study will examine in greater depth the challenges faced by law enforcement officials in processing child sexual exploitation cases, from the initial investigation and prosecution to the trial.

The main challenge in enforcing the law against child sexual exploitation is the issue of proof. Many cases are difficult to prove due to the lack of witnesses and sufficient physical evidence. Furthermore, the lack of adequate training for law enforcement officers on how to

⁷ Dally Eka Sandhika Putra, "Legal Accountability for Perpetrators of Criminal Acts of Sexual Exploitation of Children (Study of Decision Number 2027/Pid.Sus/2023/PN Sby)," *JHIP - Scientific Journal of Educational Sciences* 8, no. 3 (2025): 3087–93, <https://doi.org/10.54371/jhip.v8i3.7393>.

⁸ Priska Eny Mbunga Wea et al., "Application of Criminal Law Against Perpetrators of Sexual Acts Against Minors (Children as Victims) at the Manggarai Police," *Syntax Idea* 6, no. 5 (2024): 2119–33, <https://doi.org/10.46799/syntax-idea.v6i5.3256>.

⁹ Dumora Silaen, "THE ROLE OF COMMUNITY GUIDANCE IN HANDLING CHILDREN IN CONFLICT WITH THE LAW AS SEEN FROM A PSYCHOLOGICAL PERSPECTIVE," *Criminal Law and Legal Development* 3, no. 2 (2021): 32–44, <https://doi.org/10.25105/hpph.v3i2.12898>.

¹⁰ Ahmad Nasrudin Fadli and Wiwik Afifah, "THE CONCEPT OF SOCIAL REHABILITATION FOR CHILDREN IN LEGAL CONFLICT (AKH)," *Bureaucracy Journal: Indonesian Journal of Law and Social-Political Governance* 2, no. 3 (2022): 635–46, <https://doi.org/10.53363/bureau.v2i3.54>.

¹¹ Shafira Saodana et al., "The Effectiveness of the Law on Fulfilling the Right to Restitution for Human Trafficking Crimes in Makassar City," *Alauddin Law Development Journal* 5, no. 2 (2023): 424–35, <https://doi.org/10.24252/aldev.v5i2.35622>.

¹² Rahayu Mulyana Saputri et al., "POLICY ANALYSIS IN CHILD PROTECTION CRIMINAL LAW IN THE REFORM OF THE CHILD CRIMINAL JUSTICE SYSTEM IN INDONESIA," *Selodang Mayang: Scientific Journal of the Regional Development Planning Agency of Indragiri Hilir Regency* 10, no. 2 (2024): 133–39, <https://doi.org/10.47521/selodangmayang.v10i2.407>.

handle cases involving children is also a major obstacle. Child victims in these cases are often in a highly vulnerable position, necessitating the need for better protection mechanisms for children who are witnesses or victims of sexual violence ¹³.

Furthermore, in Indonesia, despite the existence of child protection laws, their implementation in cases of child sexual exploitation often faces significant obstacles. Therefore, this research is expected to make a significant contribution to identifying weaknesses in the application of laws against child sexual exploitation in Indonesia. By reviewing Decision Number 387/Pid.Sus/2024/PN Sgl, it is hoped that recommendations will be found that can improve the Indonesian criminal justice system in dealing with similar cases in the future.

This study aims to identify existing legal issues and provide recommendations regarding corrective measures that need to be taken by the government, law enforcement agencies, and the community to prevent and address child sexual exploitation ¹⁴. By understanding and examining the legal aspects and application of criminal penalties in cases of child sexual exploitation, it is hoped that the child protection system can be improved and victims can receive the justice they deserve ¹⁵.

II. RESEARCH METHODS

Study This use type study law normative with method approach qualitative approach This chosen Because focus study is For analyze regulation related laws with exploitation sexual children , and implementation law criminal in practice judiciary . Data sources used in study This is secondary data , which includes regulation legislation , literature law , journal , article scientific , and decisions relevant courts , especially Decision Number 387/Pid.Sus /2024/PN Sgl which became studies case in study This . The data collection method is carried out through studies documentation , which involves search , collection , and analysis document relevant laws as well as decision court related . For method data analysis , used analysis qualitative descriptive with method analyze and compare regulation existing laws , as well as evaluate its implementation in decision court , for Then interesting conclusion related effectiveness implementation law criminal in case exploitation sexual children in Indonesia

¹³ Brawijaya University, Indonesia and Nurini Aprilianda, "PROTECTION OF CHILD VICTIMS OF SEXUAL VIOLENCE THROUGH A RESTORATIVE JUSTICE APPROACH," *Arena Hukum* 10, no. 2 (2017): 309–32, <https://doi.org/10.21776/ub.arenahukum.2017.01002.8>.

¹⁴ Anthony Steven et al., "The Role of the Association of Southeast Asian Nations in Addressing the Exploitation of Women and Children," *Journal of Syntax Admiration* 5, no. 6 (2024): 2261–71, <https://doi.org/10.46799/jsa.v5i6.1217>.

¹⁵ Herli Antoni et al., "Legal Protection for Victims of Sexual Violence Against Children Based on Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence," *Logika: Journal of Multidisciplinary Studies* 15, no. 02 (2024): 235–47, <https://doi.org/10.25134/logika.v15i02.10471>.

III. DISCUSSION

1. The Application of Criminal Law in Child Sexual Exploitation Cases in Decision Number 387/Pid.Sus/2024/PN Sgl, Related to Article 88 in conjunction with Article 76I of Law No. 35 of 2014 concerning Child Protection

The case of child sexual exploitation regulated in Decision Number 387/Pid.Sus/2024/PN Sgl is a clear example of the application of criminal law to acts that are very detrimental to the victim and contrary to the protection of human rights, especially the right of children to be protected from all forms of violence and exploitation. In this case, the defendant Cindi Nabila was involved in the crime of sexual exploitation of a child, which was carried out together with several other people, including witnesses Sutan Aditiya and Tegar. Her actions began with a job offer that led to sexual exploitation, which ultimately resulted in acts of sexual intercourse committed by the other defendants. Therefore, to understand the application of criminal law in this case, it is important to analyze how the criminal law regulated in Article 88 in conjunction with Article 76I of Law No. 35 of 2014 concerning Child Protection is applied in judicial practice.

Article 88 of Law No. 35 of 2014 states that anyone who places, allows, commits, orders, or participates in the economic and/or sexual exploitation of children may be subject to imprisonment and/or a fine. Child sexual exploitation is a very serious crime because it involves the use of children in activities that can damage their physical and psychological well-being, potentially hindering the child's development in both the short and long term. Article 76I of the same law stipulates that children have the right to protection from all forms of sexual exploitation, which is a criminal offense with the threat of severe penalties for perpetrators.

In Decision Number 387/Pid.Sus/2024/PN Sgl, the defendant Cindi Nabila was sentenced to prison and a fine because she was proven to have committed an act that fulfilled the elements stipulated in Article 88 in conjunction with Article 76I of Law No. 35 of 2014. The application of this article in this case shows how acts of sexual exploitation of children can be subject to criminal penalties that should provide a deterrent effect for the perpetrator and protect the rights of the victim. In this case, Cindi Nabila was proven to be involved in an attempt to trap the child victim to be treated sexually by other people, in this case Sutan Aditiya and Tegar, after the victim was previously given the lure of work which turned out to result in sexual exploitation.

The application of Article 88 in this case demonstrates that Indonesian criminal law provides a clear basis for imposing sanctions on perpetrators involved in the crime of child sexual exploitation. However, several challenges in its implementation require further discussion. One major challenge is the issue of proof. In many cases, sufficient evidence to prove that a child has been sexually exploited is often difficult to obtain, given the limited number of witnesses and physical evidence that could prove the crime. In Decision Number 387/Pid.Sus/2024/PN Sgl, despite the presence of strong physical evidence and testimony from the victim, the evidentiary process in court remains crucial in ensuring that the perpetrator receives appropriate punishment.

Furthermore, the psychological factors of child victims also pose a challenge in the application of Article 88 in conjunction with Article 76I. Legal proceedings involving children as victims often have a significant psychological impact on the child. Child victims of sexual violence may not always be able to provide clear testimony or may be influenced by fear or shame. Therefore, the justice system must ensure that children's rights are protected throughout the legal process, including the right to psychological protection and support. In this case, even though the child victims have provided testimony in court, it is important to note that the process of providing testimony by children must be carried out carefully and with full attention to their psychological condition, to avoid pressure that could affect the results of their testimony.

Another challenge in implementing criminal law related to child sexual exploitation is the aspect of law enforcement that involves perpetrators who not only commit sexual exploitation but are also involved in child trafficking. In this case, Cindi Nabila, the defendant, was charged with selling children for sexual exploitation. This demonstrates that child sexual exploitation is often linked to larger networks, such as human trafficking. Therefore, law enforcement against child sexual exploitation must involve a more comprehensive approach, including efforts to prevent and eradicate broader child trafficking networks.

Article 76I also underscores the importance of protecting children from all forms of violence, including sexual exploitation. Child protection in criminal law is not limited to sentencing perpetrators but also encompasses the rehabilitation of victims. In this regard, this article directs the state to ensure that victims of sexual exploitation receive proper physical and psychological rehabilitation after being victims of a crime. In Decision Number 387/Pid.Sus/2024/PN Sgl, even though the defendant is sentenced to imprisonment and a fine, the rehabilitation process for child victims must also be a primary concern. Optimal victim recovery not only mitigates the negative impacts caused by sexual exploitation but also provides them with the opportunity to return to a better and healthier life.

Overall, the application of Article 88 in conjunction with Article 76I of Law No. 35 of 2014 in Decision No. 387/Pid.Sus/2024/PN Sgl demonstrates that Indonesian criminal law provides a strong foundation for handling cases of child sexual exploitation. However, the implementation of this law is not without challenges. Complex evidence, the need for psychological protection and support for victims, and law enforcement involving more parties in child sexual exploitation networks are challenges that must be addressed by the Indonesian justice system. In this regard, further evaluation of the implementation of this criminal law is needed, as well as recommendations for improving the justice system, so that child victims of sexual exploitation can receive maximum protection and perpetrators receive appropriate punishment .

2. Challenges and Obstacles in Enforcing the Law on Child Sexual Exploitation in Indonesia Based on Case Study of Decision Number 387/Pid.Sus/2024/PN Sgl

Law enforcement against child sexual exploitation in Indonesia still faces significant challenges and obstacles. The child sexual exploitation case stipulated in Decision Number 387/Pid.Sus/2024/PN Sgl provides a clear illustration of the complexity of tackling this crime, which involves diverse perpetrators and often employs cunning methods to exploit children. This crime not only impacts the physical and psychological well-being of child victims but also touches on various social and cultural aspects, which influence the effectiveness of law enforcement. Therefore, the challenges faced in law enforcement include structural and procedural factors, as well as internal and external factors that influence the implementation of the law itself.

One of the main challenges in enforcing child sexual exploitation laws is the lack of sufficient evidence to prove the crime. In many cases of child sexual exploitation, gathering valid and strong evidence to support charges is often very difficult. In the case of Decision Number 387/Pid.Sus/2024/PN Sgl, despite the presence of relevant physical evidence and witnesses, clear proof within the context of criminal law remains a challenge. Child victims are often unable to provide clear or detailed statements due to age limitations and traumatized psychological conditions. This is further exacerbated by children's fear of threats or intimidation from the perpetrator or other parties involved. Therefore, the evidentiary process in cases like these relies heavily on the ability of law enforcement officials to gather supporting evidence to strengthen charges against perpetrators of child sexual exploitation.

Besides the issue of evidence, another challenge faced is the handling of victims within the justice system. Child victims of sexual exploitation are often in a highly vulnerable position and require careful treatment. In Indonesia, although child protection laws are quite clear, their implementation still faces numerous obstacles. Many child victims are not provided with adequate psychological support during the legal process. This leads to potentially greater negative impacts on the child's mental well-being, which can hinder their ability to provide honest and accurate testimony. In the case of Decision Number 387/Pid.Sus/2024/PN Sgl, even though the victim testified, the process of taking the child's testimony in a stressful atmosphere and possible threats from the perpetrator or other parties involved could have influenced the outcome. Limitations in the witness and victim protection system, along with the lack of adequate support, pose significant challenges in ensuring the rights of child victims are protected throughout the legal process.

Social stigma is also a significant obstacle to law enforcement regarding child sexual exploitation. The public often holds a distorted view of child victims of sexual violence. In many cases, victims are blamed or looked down upon for engaging in sexual exploitation, even though they are the most powerless. In this context, social stigma prevents victims from reporting the incident or seeking protection. Even parents or family members who are aware of the incident may be reluctant to report it to the authorities due to shame or fear of being stigmatized by the community. This is evident in the case focused on in this research, where the child victim was initially trapped in an unclear situation and did not fully understand what had happened, nor the social impact of the incident after reporting it. This social stigma attached to victims significantly impacts the

smooth legal process and often leads to many cases going unreported or being dropped midway.

Limited human resource capacity and infrastructure are also major structural problems in enforcing child sexual exploitation laws in Indonesia. Law enforcement officers, including police, prosecutors, and judges, often lack adequate training in handling cases involving child victims. Most law enforcement officers also lack a thorough understanding of the best ways to interact with child victims of sexual violence, both during interviews and investigations. Furthermore, the lack of specialized facilities to support the handling of child victims, such as child witness protection rooms or professional psychological counseling, further exacerbates the situation. These limited facilities slow down the investigation process and increase the risk of trauma for child victims.

Lack of coordination between institutions is also a major obstacle to law enforcement against child sexual exploitation. In Indonesia, many institutions are involved in child protection and law enforcement against this crime, such as the police, the prosecutor's office, the courts, the Ministry of Women's Empowerment and Child Protection, and non-governmental organizations (NGOs) working in the field of child protection. However, there is often a lack of harmony in the cooperation between these institutions. For example, in the case of Decision Number 387/Pid.Sus/2024/PN Sgl, despite efforts by the relevant parties to ensure the legal process runs smoothly, there are sometimes weaknesses in coordination between the institutions handling the case, resulting in slow investigations or suboptimal recovery for victims. Victims' experiences in an uncoordinated justice system can exacerbate their psychological suffering and prolong their recovery process.

Cultural factors and value systems within Indonesian society also contribute to the challenges of enforcing child sexual exploitation laws. In some regions, there is still a perception that children, especially those from economically disadvantaged backgrounds, are easily manipulated into working or engaging in activities for money. This often leads children to become trapped in webs of sexual exploitation, as they are unaware of the legal consequences of such actions. Although the state has established clear laws, cultural factors need to be addressed to further emphasize the importance of protecting children from all forms of exploitation, both sexual and economic.

The need for legal and policy reforms to enforce child sexual exploitation laws is also crucial. The Child Protection Law, while already in place, must be strengthened with more concrete policies and more effective implementation. Reforms in handling cases of violence against children involving sexual exploitation are necessary, including revisions to existing laws to be more responsive to evolving societal challenges, such as the emergence of technology that can be exploited for child sexual exploitation via the internet.

Overall, the challenges in enforcing child sexual exploitation laws in Indonesia are complex. Legal proceedings involving child victims require greater attention to protection, including physical, psychological, and social aspects. Furthermore, structural, procedural, and cultural factors must be considered to create a more effective justice system in

handling child sexual exploitation cases. Policy reforms, human resource capacity building, and strengthened inter-agency coordination are needed to expedite the handling of similar cases in the future. This will ensure child protection and ensure that perpetrators of child sexual exploitation are appropriately punished.

IV. CONCLUSION

Based on the analysis outlined above, there are two important conclusions in this study: first, the application of criminal law in cases of child sexual exploitation in Decision Number 387/Pid.Sus/2024/PN Sgl shows that despite a clear legal basis, namely Article 88 in conjunction with Article 76I of Law No. 35 of 2014 concerning Child Protection, challenges in providing evidence, protecting victims, and effective law enforcement remain major obstacles. The complicated evidentiary process, the powerlessness of victims, and the lack of psychological support for child victims indicate that criminal law must be more responsive and pay special attention to the needs of victims to obtain maximum protection. In addition, there is a need to strengthen the human resource capacity of law enforcement officers in handling cases of sexual violence involving children.

Second, the challenges and obstacles in enforcing the law on child sexual exploitation in Indonesia, based on the case study of Decision Number 387/Pid.Sus/2024/PN Sgl, include various interrelated factors, such as a lack of sufficient evidence, social stigma against victims, limited capacity of law enforcement agencies, and suboptimal inter-agency coordination. Cultural factors that still underestimate children's rights, especially those from economically disadvantaged backgrounds, contribute to this worsening situation. Therefore, policy reform, strengthening inter-agency coordination, and increasing public awareness of the importance of child protection must be priorities in efforts to address and prevent child sexual exploitation in Indonesia .

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