



The Structure and Culture of Negotiating Child Victims' Rights in Cases of Sexual Violence

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Article	Abstract
<p>Keywords: Child Sexual Violence; Victims' Rights; Law Enforcement.</p> <p>Article History Received: Sep 29, 2025; Reviewed: Nov 1, 2025; Accepted: Feb 9, 2026; Published: Feb 13, 2026.</p>	<p><i>This article discusses the structure and culture of negotiating children's rights in sexual violence in Surakarta. This study employed a qualitative research method, collecting data through interviews and document analysis. The research writing was structured by data reduction, data presentation, and conclusions. Empirical and legal-philosophical approaches were applied to analyse the data, revealing significant weaknesses that require further attention. The lack of protection, justice, and recovery for child victims remains an issue, which hampers the functions of law enforcers, including the police, the prosecutor's office, and the judicial system. Justice in the system is procedural and formalistic in the context of the burden of proof, overlooking the best interests of the child and leaving child victims without justice and fair access to justice and restitution, while being burdened by procedural formalities. As studied, the majority of people in Surakarta are not fully aware of this matter. Stigmatisation lays the blame on the victims, while inadequate psychosocial support for child victims silences them. Without properly addressing these issues, many children experience discrimination and pressure that only hinders their recovery. This study concludes that to provide the necessary protection for child victims of violence and neglect, different sectoral responses need to be coordinated more effectively. Key recommendations include developing child-sensitive skills among law enforcement officials and other agencies, increasing public understanding of children's rights, simplifying regulations to eliminate duplication, and improving integrated, community-based victim services.</i></p>



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INTRODUCTION

Sexual violence against children is an extreme form of human rights abuse. It often inflicts physical harm; even more distressing, it creates psychological wounds that will affect the children's lives (Kurniawan, 2024; Nur Azisa et al., 2025). Children's

rights, particularly for child victims of sexual violence, are one of the most neglected scopes of issues. This requires immediate collective advocacy, given the alarming incidence of such violence in Indonesia. The most recent data from 2024 shows that the cases of sexual violence against children reached 7,623, followed by 3,039 cases of physical violence (Handi, 2024). On July 3, 2025, the Online Information System for the Protection of Women and Children (Simfoni PPA; Suharsiwi et al., 2023) updated with 14,039 recorded cases of violence against women and children (Menteri PPPA, n.d.). These rates are alarming, while violence against children keeps growing over time, as more cases are being reported. A case happening in a Tangerang orphanage has captured public attention, where nearly 40 children were victimised. This situation indicates the urgency of specific concern, continuous support, and complex protection systems to safeguard the rights of the children concerned during the whole process of sexual violence case-handling.

In this regard, the active participation of families, communities, and the state is essential to reclaiming the rights of the child victims (Primasari et al., 2017). The kids, often labelled as the future of the country, should not endure the trauma. Psychological recovery space, guaranteed legal protection, and social support are paramount for them to grow and develop optimally, particularly post-sexual violence. Unfortunately, in practice, the rights of child victims of violence are often neglected both structurally and culturally. In the structural aspect, law enforcement officials and regulations do not adequately support children; on the contrary, the cultural aspect encompasses stigma, discrimination, and minimal empathy of the community for victims (Silalahi et al., 2023). This indicates that further studies on structural and cultural barriers to child protection, as well as collaborative cross-sector strategies, are required to ensure that children's rights are comprehensively protected and realised (Thiary, 2022).

Various studies on the neglect of the rights of child victims of sexual violence in the last two years have generally fallen into three major scopes. First, the policy/institutional scope examines the quality of regulations, service standards, and governance. A cross-country review of clinical guidelines in Europe highlighted gaps in the quality of CPGs for handling child sexual violence, as well as the policy's consequences for service practices at the field level. Indonesian studies also highlight the transformation of child welfare services and the challenges of inter-agency coordination, including the de-escalation process, institutionalisation, and responses to violence in foster care. Globally, recent prevalence estimates underscore the scale of the problem, necessitating evidence-based governance. However, this stream often assesses policy design and system performance without examining the extent to which children's rights as rights-holders are actually operationalised at each stage of the response process (reporting, investigation, prosecution, and restitution) (Otterman et al., 2024).

Second, the sociocultural scope emphasises the barriers posed by norms, stigma, and taboos related to sexuality, as well as the dynamics of children's participation in the recovery process (Setyawan & Setiawati, 2023). Recent work reflects on the opportunities and obstacles to achieving safe and meaningful participation for young survivors, suggesting that peer group mechanisms and professional facilitation need to be designed, where protection and participation are considered. Recent evidence in Indonesia also demonstrates high levels of childhood violence exposure and underlying cultural factors, strengthening the argument that interventions cannot rely solely on authorities but must alter community norms and service ecosystems. However, many sociocultural continue to describe determinants without breaking them down into measurable indicators of rights fulfilment (e.g., access to child-friendly legal/psychological support, or the right to be heard in every decision-making process) (Luh Putu Maitra Agastya et al., 2024).

Third, the scope of developmental psychology addresses the clinical impact and long-term support needs; a review of clinical guidelines reveals inconsistent assessment, referral, and follow-up standards, resulting in unequal recovery for victims. This reading is reinforced by epidemiological studies and national surveys that demonstrate the prevalence of exposure and risk factors among children in Indonesia. Nevertheless, psychological research has primarily focused on health outcomes, overlooking the obligations of states and institutions (duty-bearers) to guarantee the rights to recovery, participation, and accountability. The novelty of this paper lies in weaving these three scopes within a child-rights-based framework: 1) operational approach (CRBA) positioning children as legal subjects with secure participation rights at every stage of the process; 2) mapping cultural structural barriers into measurable rights indicators (e.g., waiting time to child-friendly services, availability of child-friendly forensic interviews, restitution compliance rates, continuity of psychosocial support for 6–12 months); and 3) proposing an inter-law enforcement agency (police, services, courts, social services, health) workflow that ties accountability through these indicators, giving opportunities to monitor and address the implementation gaps (Cody et al., 2024).

Sexual violence against children not only injures the body and soul, but it also exposes the dark side of systemic neglect. Three distinctive points contribute to such neglect. *First*, existing regulations remain inadequate from a child's perspective. The legal orientation is more focused on formal procedural aspects than on ensuring the best interests of the child. This procedural loophole exposes children to new risks when dealing with legal processes that should provide protection. *Second*, the commitment of law enforcement officials is limited. Gender bias, insensitivity to trauma, and child-unfriendly investigative practices further exacerbate the wounds. This fact is confirmed by ECPAT International (ECPAT International, 2016), which found that officials have limited capacity to understand child rights-based case resolution and

the principles of restorative justice. *Third*, low public literacy about children's rights worsens the situation. Sexual violence is often normalised, even socially justified, so victims are blamed once more (Thierry, 2020).

Based on this reality, this research confirms that the neglect of the children's rights as victims of sexual violence is not on an individual basis, but rather the result of a structural and cultural conspiracy. Impartial regulations, negligent and biased officials, and an illiterate society create a vicious cycle of neglect. While children are victims of sexual violence, they are faced with *systemic betrayal* by the state, law, and society that are supposed to be their primary protectors. As long as these structural and cultural factors remain unaddressed, neglect will continue to recur, leaving a trail of trauma that is passed down across generations (Thiary, 2022).

Although numerous studies have examined policy shortcomings, sociocultural determinants, and psychological impacts related to child sexual violence, existing scholarship has not yet provided an integrated analysis that maps how these dimensions interact to produce a systemic pattern of child-rights neglect. Existing studies commonly focus on regulatory shortcomings, discrimination in law enforcement, and community stigma as individual issues, without considering the instrumental cultural-structural link that renders children's rights negotiable in legal and social processes. This gap calls for a comprehensive framework that treats children as rights-holders, with specified indicators of protection, participation, and recovery across all stages of legal processing. The current study, thus, aims to address this gap through these two major research questions: (1) What is the joint contribution of legal structures and sociocultural norms to human rights neglect of child victims in sexual violence cases? and (2) To what extent do police practices and public awareness impact children's access to justice, restitution, and psychological healing in the long run?

Research or Demonstration sought to establish that inconsistencies of regulation triggered biased law-enforcement attitudes (Susanto et al., 2025), low community literacy concerning children's rights (Kusumawardhani, 2024), along with other factors, such as divorce or disability and institutional care, which have been detected as a main cause hindering the non-implementation of protection for child victims. The literature on such cases describes a pattern of entrenched structural weaknesses, supported by cultural stigma and victim-blaming practices. The current research seeks to contribute to the literature by integrating these various undercurrents into a single framework grounded in children's rights. This framework will not only detect the causes of neglect at the structural and cultural levels, but also turn them into measurable indicators, such as the accessibility of legal procedures for children, the availability of channels for the payment of damages, and the continuity of social support. Thus, through the interaction among legal substance, institutional behaviour, and social norms, this research provides novel insights by illustrating the emergence of systemic failures,

thereby providing a more comprehensive basis for reforming child protection policies in Indonesia.

At this stage, unmasking the exact structures and existing cultural patterns is necessary. The issue is structurally composed of disjointed legal enforcement, poor coordination between the institutions, lack of child-friendly procedures, and the enduring of punitive over restorative state practices. On the other hand, culturally, established patriarchal norms, stigmatisation of victims, family silencing practices, and prioritisation of communal reputation over child safety, among others, have seemingly supported the situation where justice is negotiable, and children's rights come second.

METHODS

This study uses qualitative methods (Denzin & Lincoln, 2009; Miles & Huberman, 1994) to portray the existing phenomena. Data were analysed using empirical and legal-philosophical approaches. In a case study type, this research seeks to provide a detailed description of the observed conditions from individual and group perspectives. Factors contributing to the problem and aspects influencing the neglect of the rights of child victims of sexual violence were identified. Necessary information was obtained from a comprehensive perspective on the phenomenon of neglect of the rights of child victims of sexual violence, involving law enforcement officials and the general public. Law enforcement officials were chosen as informants due to their strategic role in understanding the legal aspects and the application of laws and regulations to address neglect. On the other hand, the community perspective is also necessary to provide an understanding of literacy, particularly regarding the rights of child victims of sexual violence. The above information is supported by a collection of regulations concerning children's rights. These three sources of information are essential to achieving the objectives of the study on child neglect.

RESULTS AND DISCUSSION

Structural and Cultural Drivers of the Neglect of Child Victims of Sexual Violence

This study involved major stakeholders as participants, including police officers, doctors, social workers, and parents of the affected children. The interviews and document analysis provided qualitative data, which underwent multiple coding stages, starting with open coding to develop initial categories, then moving on to axial coding to link categories together, and finally the application of thematic analysis to broader themes. The coding was performed manually, along with cross-checking to maintain consistency and confirm the forthcoming findings. The application of this analytical method was to reveal the structural and cultural patterns that influence and often lead to the neglect of children's rights in sexual violence cases.

Neglect refers to a situation in which an individual is not provided with sufficient physical or spiritual care, whether intentional or unintentional. Neglect is also linked to a poor social system (Aprilyanti, 2023). In the case of sexually abused children, neglect arises from a lack of individual attention and problematic systems and norms that prevail in society. The legal and institutional frameworks remain weak, putting the rights of child victims off the radar. Unresponsive social structures, poor communication between the involved agencies, undefined procedures for treatment and assistance, and inadequate funding for rehabilitative services are obstacles to the full protection of the victims (Utami et al., 2025). As a consequence, child victims of sexual violence are subjected to both physical and mental suffering while at the same time, they are being denied the basic rights that the government is obliged to provide them with.

Cultural factors simultaneously worsen neglect. In the case of sexual violence, social stigma is a common reaction in society, coupled with a patriarchal culture and a tendency to blame the victim. Rather than receiving help and protection, the victims have often misrepresented the families' or communities' reputations. This method of hiding shame not only creates difficulties in reporting the cases but also perpetuates the disrespect of the child victims' rights cycle (Kusumawardhani, 2024). Therefore, weak legal systems, coupled with prejudiced social norms, result in the violation of child victims' rights in sexual abuse. It follows that the elimination of neglect and the full realisation of the rights of child victims of sexual violence will necessitate both institutional reform and cultural development (Rukman et al., 2023).

The disregard of the rights of child victims of sexual violence has been attributed by previous research to a multi-dimensional problem, wherein weak social structures combined with gender-biased cultural societies play a crucial role (Otterman et al., 2024, pp. 1–2). Negligence in this case clearly indicates that individual responsibility and the whole system have failed to function properly, consequently calling for a multifaceted approach that covers every aspect, from restructuring to changing the mode of thinking to developing institutions. The reform of the structure implies better regulatory and law enforcement mechanisms that take into account children's best interests, while changing the culture demands a transformation of social values that would eventually erase stigma and bias against women (Dewi, 2018). However, the development of institutional capacity would mean better-trained law enforcement personnel, improved rehabilitation services, and a more knowledgeable public regarding children's rights. Thus, the prevalent neglect must be seen as a collective concern to be addressed through cooperation among various sectors (Mareta & Achmad, 2022).

Children's Rights

The rights of children serve as the most important basis for establishing relations between children, parents, and families, which should be underpinned by religious principles and a proper legal structure. That all children's rights are equal regardless of gender is the primary principle (Aini & Umami, 2023). In the aspect of protection, Fitriani (Tutuko, 2024) explained that the realisation of children's rights relies on the united role of the five main pillars: parents, family, community, central government, regional government, and the state. This perspective indicates that child protection is not to be regarded as an individual duty alone, but rather as contingent upon collective and structural factors. Child protection includes ensuring the best possible survival, growth, development, and participation, as well as receiving protection from all kinds of violence and discrimination (Faisol et al., 2024).

However, the actual situation lies in the obstacles that hinder children's rights. Fardian and Santoso point out that even when a child conflicts with the law, the law still provides the child with rights to be fulfilled in accordance with their needs and the principle of non-discrimination (Fardian & Santoso, 2020; Putri et al., 2025). Nevertheless, biological, psychological, social, economic, and cultural factors strongly affect child development and, in turn, the non-fulfilment of children's rights (Lestari, 2017). Other research also points to the fact that children's rights violations very often occur at the level of policy implementation, like in the case of the Child-Friendly City programme (Erdianti, R. N., et al, 2022), interrupted by structural and institutional obstacles. In other words, protecting children's rights primarily requires an interdisciplinary approach that integrates regulations, policies, and societal cultural changes. This analysis reveals a disparity between progressive legal standards and child protection practices that remain partial, thereby failing to address the roots of structural and cultural problems (Elizabeth & Hidayat, 2016).

Legal guarantees have always backed up every being with inherent rights, whose core is consistent with the tenets of human rights, comprising the right to life, the right to be free, the right to own property, the right to be treated equally and the right to freely express one's self (Elizabeth & Hidayat, 2016; Rohmah et al., 2024). From the perspective of Islamic education, fulfilling children's rights is considered a primary responsibility, given that children are the nation's future and are entitled to proper, high-quality, and fair educational services (Arif & Aziz, 2023; Siti Nurjanah et al., 2025). Therefore, children's rights are not only about basic protection but also about enhancing the nation's future potential through guaranteed access to quality education (Shoimah & Uyun, 2025). Nevertheless, fulfilling their rights needs a more integrated approach, particularly in cases involving child victims of sexual violence. Looking at an examination of court cases in Bandung, Gumiang argues that meeting the rights of child victims of sexual violence should take into account legal protection, restoration of dignity as legal subjects, and granting access to justice according to child protection principles (Samuel et al., 2024).

In contrast, Waliulu's study substantiates that minors who suffer from sexual violence are entitled to legal protection and a whole range of services, including psychological recovery, social rehabilitation, and prevention of stigmatisation and re-victimisation (Waliulu & Sopacua, 2025). Yustiningsih also adds to this argument by pointing out the necessity of a comprehensive strategy in the protection of child sexual abuse victims, where the recovery process covers education, continuous psychological help, and economic empowerment as the support of socio-psychological and socio-economic factors (Yustiningsih, 2020). Therefore, it has become evident that the rights of children, both in the sense of the Constitution and in practice, cannot be fully met by mere legal instruments but require policy reform, capacity-building within institutions, and sociocultural change more oriented toward children's best interests. This view is also supported by Hanum's study (Madnur & Irfan, 2023), asserting that the effectiveness of child protection in Indonesia is highly dependent on the quality of policy implementation, legal consistency, and public awareness as part of a comprehensive child protection system.

Victims of Sexual Violence

Sexual violence refers to all types of sexual activities taking place without consent, involving physical and verbal acts. The physical aspect is mostly evident in forced intercourse, while the verbal aspect may involve sensual or sexually-loaded comments (Soejoeti & Susanti, 2020). Valuing human dignity in social relations and recognising sexual violence in a broader context, most still partially see it as a direct action, often involving invisible practices of domination and unequal power relations. This leads to the degradation of the victim's dignity and the generation of physical and mental suffering, particularly affecting women (Malvini Redden & Scarduzio, 2024). The situation has evolved considerably, revealing that sexual violence encompasses not only acts of a direct nature but also behaviours that are often considered minor, but they potentially cause harm or damage. Such behaviours may manifest in comments, seduction or other non-physical harassment that could eventually lead to victimisation (Fauz, 2023).

Public spaces have left room for internalised sexual harassment practices, and catcalling is one of the main forms of such practices, which usually includes whistling, sexual comments, or verbal statements relating to the victim's figure (Kartika & Najemi, 2021). This sociocultural change indicates that sexual violence is a structural conflict as well as an interpersonal one, showing how deeply rooted this violence and the underlying patriarchal culture are. One main conclusion drawn from Bows' study is that public events like music festivals are prone to sexual violence being committed by strangers, thus pointing out that public areas are understaffed and hold a cultural acceptance towards harassment, leaving them vulnerable (Bows et al., 2024). Ringrose's study shares a similar perspective, pointing out image-based harassment practices like

unsolicited intimate photo sharing showing a male's genitals are an example of sexual harassment that is accepted by society among students through sexual double standards (Ringrose et al., 2021). In that regard, violence is often represented by the individual but should rather be seen as a systemic problem caused by a permissive culture, unequal gender representation, and the inability of the law to provide effective protection, among other reasons. This conclusion aligns with the findings of Jewkes, arguing that sexual violence should be considered as a global problem tied to gender inequality via laws; hence, reform, culture and cross-sectoral approaches are all needed to effectively deal with this issue (Jewkes et al., 2015).

Prior studies on sexual violence victims found that some groups are more susceptible to the issue due to social perceptions, unprotected rights, and limited knowledge and service access (Salamor et al., 2025). The first vulnerable group is women. Several studies have shown that women are usually in lesser positions, both inside and outside the home (Suprihatin & Azis, 2020), thus making them more prone to sexual harassment and violence (Yulestari et al., 2025). Gender-based social constructions often even lead to victimisation. Women are considered part of the violence, making them the target of blame. This situation shows that gender discrimination not only propagates sexual violence but also makes it hard for the victims to recover socially due to stigma (Munawir, 2023).

Regulations neglecting the perspective of children

Existing regulations regarding sexual violence against children often overlook a gender perspective, particularly regarding the protection of victims' rights. Despite the enactment of various regulations to protect children's rights, their implementation and content are often insensitive to the specific needs of children as victims of violence. The following Table shows existing regulations regarding child victims of violence.

Table 1. Child-Perspective Regulations

Regulation	Regulatory Issue
Convention on the Rights of the Child (Convention on the Rights of the Child)	The need for proper guarantees and special care for children before and after birth
Constitution Article 28b	Every child has the right to survive, grow, and develop, and has the right to protection from violence and discrimination.
Law Number 31 of 2014 concerning amendments to Law Number 13 of 2006 concerning the protection of	A victim refers to a person who experiences physical, mental, and/or economic suffering resulting from a criminal act. Article 7 A 1) Victims of criminal acts have the right to receive restitution in the form of a) compensation for loss of wealth or income; b) Compensation for losses incurred due to suffering directly related to the criminal act and/or

witnesses and victims	<p>reimbursement of medical and/or psychological treatment costs; 2) Criminal acts as referred to in paragraph 1 are determined by a decision of the Witness and Victim Protection Agency (LPSK); 3) Submission of a restitution application can be made before or after a court decision that has obtained permanent legal force through the LPSK; 4) In the case of a restitution application being submitted before a court decision that has obtained permanent legal force, the LPSK can submit a restitution application to the public prosecutor to be included in the indictment; 5) In the case of a restitution application being submitted after a court decision with permanent legal force, the LPSK can submit a restitution application to the court to obtain a decision; 6) In the case of the death of a victim of a criminal act, restitution is given to the victim's family as the victim's heirs.</p>
Article 1, paragraph 2 of Law Number 35 of 2014 concerning amendments to Law Number 23 of 2002	<p>Child protection refers to all activities that guarantee and protect children's rights to live, grow, develop, and participate optimally in accordance with human dignity, and to receive protection from violence and discrimination.</p> <p>In Article 71d, paragraph 1, every child who is a victim as referred to in Article 59, paragraph 2, letters b, d, f, h, i, and j, has the right to submit to the court the right to restitution, which is the responsibility of the perpetrator of the crime.</p>
Article 14 c of the Criminal Code	<p>If the judge imposes conditional sentencing, the judge can set special conditions for the convict to compensate for all or part of the losses arising from the crime committed.</p> <p>This provision carries the following obstacles in its implementation:</p> <ol style="list-style-type: none"> 1. The determination of compensation cannot be given by the judge as a stand-alone sanction in addition to the main sentence, so it is only a special condition for the implementation or carrying out of the main sentence imposed on the convict. 2. The determination of special conditions in the form of compensation is only given if the judge imposes a maximum sentence of one year or a substitute sentence. <p>According to the Criminal Procedure Code, this special condition in the form of compensation is optional, not mandatory.</p>
Criminal Procedure Code Chapter XII Article 98, paragraph 1	<p>If an act, as the basis of an indictment in a criminal case being examined by a district court, causes harm to another person, then the presiding judge, at the request of that person, may decide to combine the claim for compensation with the criminal case.</p>

		In Article 2, the request referred to in Article 1 may only be submitted no later than the time before the public prosecutor files a criminal charge.
		If the public prosecutor is not present, the request must be submitted no later than the time before the judge issues a verdict.
Article 99, paragraph 1 of the Criminal Procedure Code		If the injured party requests the consolidation of his lawsuit into a criminal case, as referred to in Article 98, the district court will consider its authority to adjudicate the lawsuit, the truth of the basis of the lawsuit, and the legal basis for compensation. The costs incurred
Verse 2		Except in the case where the district court declares that it is not authorised to adjudicate the lawsuit as referred to in paragraph 1 of the lawsuit, or the lawsuit is declared inadmissible, the judge's decision only contains a determination of the penalty for compensation for costs incurred by the injured party.
Verse 3		The compensation decision automatically acquires permanent legal force if the criminal decision also has permanent legal force.
Constitution No. 39 of 1999 concerning Human Rights		In Article 52 (1), every child has the right to protection from parents, family, society, and the state.
Constitution No. 12 of 2022 concerning TPKS for victims		In Article 53 (1), every child from the womb has the right to live and improve their standard of living.
		Article 30, paragraph (1), Victims of Sexual Violence Crimes have the right to get Restitution and Recovery services.
		(2) Restitution, as referred to in paragraph (1), is given in the form of:
		a. compensation for loss of wealth or income;
		b. compensation for losses incurred as a result directly related to suffering as consequences of sexual violence crimes;
		c. reimbursement of medical care costs and/or psychological care costs; and/or
		d. compensation for other losses suffered by the victims of sexual violence crimes.

Source: Authors, 2026

Table 1 outlines the various regulations that control the rights of child victims of sexual violence. In this regard, victims of sexual violence must not only have their rights protected, but also be compensated appropriately.

Pertaining to child's interest-oriented laws and regulations in Indonesia, their origin lies in the international commitments, mainly the Convention on the Rights of the Child (CRC), which highlights the necessity of giving protection and care to children pre-natal and post-natal. The basic principles of the CRC were then adopted in Article 28 B of the 1945 Constitution of the Republic of Indonesia, which explicitly guarantees every child the right to live, grow, and develop optimally, and to receive protection from violence and discrimination. This regulation is strengthened by various more technical laws and regulations, such as Law Number 35 of 2014, which amended Law Number 23 of 2002 concerning Child Protection. This regulation defines child protection as all efforts to guarantee children's rights in accordance with human dignity and worth, including the right to social participation and protection from all forms of violence (*Convention on the Rights of the Child*, n.d.).

Furthermore, other rules address the protection of children who are victims of crime, such as Law Number 31 of 2014 concerning Witness and Victim Protection, which governs victims' rights to restitution. According to Article 7A of this law, victims of criminal acts have the right to compensation for lost income, physical and psychological suffering, and medical and psychological treatment costs. However, the implementation of this provision is not without obstacles, especially because restitution is often treated only as a special condition in conditional sentencing, as regulated in Article 14c of the Criminal Code, rather than as a stand-alone decision. The provisions of the Criminal Procedure Code, Chapter XII, Articles 98–99, also provide for the integration of compensation claims into criminal cases, but this is limited to the injured party's request and depends on the judge's authority. In other words, this regulatory framework still faces legal challenges in terms of effectiveness and legal certainty for child victims of sexual violence (Vandenhole et al., 2015).

Law Enforcement's Commitment to Impartiality in Sexual Violence against Children

Law enforcement's commitment to protecting child victims of violence is questioned. When dealing with situations involving children as the victims of violence, law enforcement agents are frequently hostile toward them. This lack of commitment is closely linked to existing regulations. The following Table lists the weak commitment of law enforcement.

Table 2. Law Enforcement Agencies' Commitment to Impartiality to Children

Informant	Extracted Statement	Category
Informant 1	Regarding restitution, it requires careful consideration, not just a simple application. It requires a long-term basis and consideration. Paying attention to the victim	Category 1

	You need to get an expert in the field.	
	How much compensation requires someone to calculate the amount of restitution.	
Informant 2	There needs to be political will	Category 1
	Laws do not complement each other.	Category 1
	Overlapping laws	Category 2
	There is a legal vacuum.	
	Law enforcement officers are not firm.	
Informant 3	Weak economic actors	Category 3
	It is necessary to consider whether it is a criminal or civil matter.	
	Authorities assess the amount of restitution.	
	Investigators can request an assessment of the amount of the restitution request from LPSK.	
	The investigator attaches the results of the LPSK assessment to the case file to the public prosecutor during the investigation stage.	
Informant 4	It should start at the time of prosecution when the prosecutor can file for restitution.	Category 4
Informant 5	Restitution is not mandatory, and the victim submits it	Category 5

Source: Authors, 2026

Table 2 demonstrates law enforcement's commitment to impartiality toward child victims of violence, as evidenced by the varying opinions regarding restitution for child victims of sexual violence.

The results of an interview with the first informant indicate that restitution cannot be simply proposed without careful consideration. The informant said, *"In the case of restitution, we will not only suggest it; it demands to be thought out thoroughly. A solid basis should be there, the victim's viewpoint should be considered, and a specialist should be brought in to work out the figure."* This remark underscores the need for a competent mechanism with specialists to ensure that restitution accurately compensates the victim for the deprivation suffered. The second informant also mentioned more infrastructural regulatory hurdles. He remarked, *"Yes, it really needs to be political." Our laws are not complementary; they overlap, and there are even gaps. At times, the law enforcement officers are not even decisive.*" This statement indicates that the obstacle to the application of restitution lies not only in the technical details of loss estimation, but also in the low political will and the disunity in the extant rules, thus generating trust issues in law enforcement that favour child victims (Bhuvaneswari, 2019).

From a different view, one more informant pointed out the pernicious system of justice, where the offender's state is usually a factor determining the sentencing, especially when the offender is financially incapable. He further elaborated, *"When the perpetrator is a pauper, the legal status of the case can be a matter of discussion, whether it is criminal or civil. Often, the authorities will request a restitution evaluation from the LPSK, and the investigators will then join the results in the case file for the public prosecutor."* This reveals a direction in the courts that seeks to balance the scales of justice but ultimately leads to the dilution of victims' rights. A fourth informant maintained, *"The prosecutor should be empowered to file for restitution immediately, as soon as the prosecutor makes the demands, without any waiting."* A fifth informant, in turn, voiced, *"Restitution is not obligatory, and the victim still has to apply for it."* These statements emphasise that the process of restitution is hampered by vague official requirements, lengthy legal processes and the administrative burden that victims must endure. This fact reveals a wide gap between regulatory norms and practice in the field, as well as the legal system's inadequate support for child victims of sexual violence (Purwadi et al., 2024).

Low Public Literacy Regarding the Rights of Child Victims of Sexual Violence

Neglecting the rights of children as the victims of sexual violence is influenced by a lack of public literacy in comprehending these rights. The general public frequently lacks understanding of the legal environment governing the rights of child victims of sexual violence. The following Table shows the low level of public literacy.

Table 3. Low Public Literacy

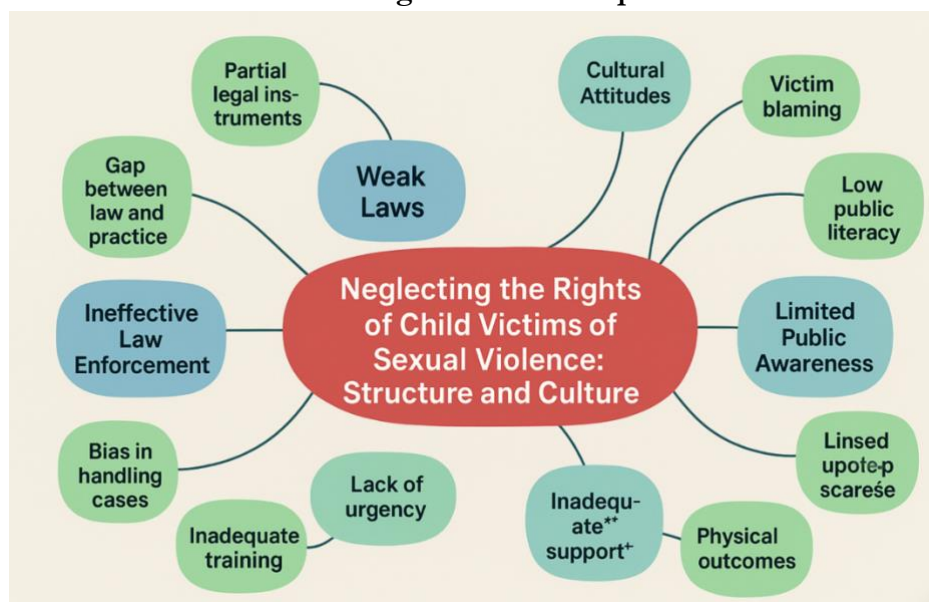
Informant	Extracted Statement	Category
Informant 1	Not all victims and their families understand the rights of victims of sexual violence.	Category 1
Informant 2	Victims know their rights when being heard by a lawyer	Category 1
Informant 3	Society does not understand the rights of victims of sexual violence	Category 1
Informant 4	Individual experience erodes trust in self-confidence, so the individual feels isolated from the public.	Category 2
	The community can be rougher and less humane towards the victims.	
	Family members of individual victims become more insulted and disturbed.	

Source: Authors, 2026

Table 3 shows that society still does not consider the importance of protecting child victims of violence and restitution for victims of sexual violence as urgent, particularly in the context of children.

Interview results indicate that public literacy regarding the rights of victims of sexual violence remains low. One informant stated, "Not all victims and their families understand their rights; many don't even know where to report them (Daley et al., 2025)." This is reinforced by another statement, stating, "The victim only understood her rights after being told by her lawyer; previously, she had no idea at all." (Nasution & Siregar, 2025). Another informant expressed a similar perspective: "In this community, most people don't understand the rights of victims of sexual violence at all." Meanwhile, from the socio-psychological perspective, an individual said, "I felt like I lost my self-confidence, like I was withdrawing from society. In addition, the way people were treated became more brutal and less humane. My family was also very upset and humiliated by this case." This evidence suggests that low literacy is not only a barrier to the formal understanding of victims' rights; it also reflects social and psychological pressure, making the victims' situation even more critical.

Figure 1. Main Map



Source: Authors, 2026

The preceding figure shows that the discussion of negotiating the rights of child victims of sexual violence should be established in an integrative and analytical manner to help establish the major intellectual foundation. Currently, the theoretical framework is independent from empirical findings, diminishing the coherence of the argument. A convergent conceptual model is required to map the relationships among the structural, cultural, and legal dimensions in ensuring children's rights. This integrative approach bridges empirical evidence and theory, illustrating how systemic fragmentation and cultural hierarchies perpetuate victims' vulnerability.

This problem is not merely a normative failure but a systemic failure that is structural, cultural, and institutional. Ideally, law cannot be understood merely as a set of positive rules, but as a moral and social instrument that should protect the most

vulnerable subjects. When regulations remain oriented towards criminalising perpetrators and make restitution and rehabilitation optional, the law loses its ethical dimension and becomes trapped in formal legalism. The following Table of constructive proposals can be developed.

Table 4. Legal Reconstruction of Neglect of the Rights of Child Victims of Sexual Violence

	Key Finding	Implication	Strategy/Policy
Regulations (Legal Substance)	Focusing on criminal aspects, optional restitution, partial	Partial protection and incomplete recovery	Revision of victim-based laws, mandatory restitution, and harmonisation between regulations
Legal Structure	Fragmented institutional coordination, biased officials	Victims losing access to justice; repeated cases	Integrated SOPs across institutions, increasing the capacity of officials, and child-friendly service units
Legal Culture	Victim-blaming, public stigma, and low literacy	Revictimisation, ongoing social trauma	Campaigns on children's rights literacy, public education, and community leader involvement
Psychological & Physical Impact	PTSD, depression, unwanted pregnancy, and sleep disorders	Deteriorating mental and physical health; risk of suicide	Long-term psychosocial services, reproductive health support, and an integrated referral system
Normative-Empirical Gap	Constitutional norms not implemented	Violation of the child protection mandate	Monitoring the effectiveness of regulatory implementation and institutional performance audit
State & Public Commitment	Not a policy priority, minimal social support	Impunity, victim frustration, recurring cases	Integration of child protection issues into national policy & regional budgets
Systemic Complexity (Friedman)	Disharmony between structure, substance, and culture	The system's failure to fulfil children's rights	Socio-legal-based integrative framework model and multisectoral forum

Source: Authors, 2026

Table 4 above indicates that the neglected rights of child victims of sexual violence imply a systemic failure that necessitates a multifaceted mitigation strategy at the regulatory, structural, and cultural levels. The first measure to be taken should reinforce legal instruments that recognise restitution and psychosocial recovery as fundamental rights, not just options. This policy should be implemented alongside the creation of standard operating procedures (SOPs) for law enforcement officials to help avoid bias, victim-blaming, and evidentiary procedures that burden children. On the service side, mitigation should provide trauma-informed counselling, reproductive health protection, and safe shelters since long-term psychological and physical impacts are inevitable. In the social domain, community-based public literacy campaigns aimed at reducing stigma and enhancing social support are also important.

Reframing Monitoring and Evaluation through Substantive Justice, Restorative Justice, and Progressive Law

The monitoring and evaluation (M&E) framework for child protection in cases of sexual violence must be outcome-oriented and comprehensive, reflecting the philosophy of substantive justice, which views law not merely as a procedural mechanism but as a moral instrument aimed at protecting vulnerable groups. From the perspective of law as a tool of social engineering, institutional indicators should assess the quality of inter-agency coordination, the timeliness of case handling, and the effectiveness of restitution mechanisms. These indicators are essential for determining whether legal structures genuinely uphold justice or remain trapped in formalistic practices that neglect the ethical purpose of law: safeguarding children as rights-bearing legal subjects (Zehr, 2015).

The second category of M&E should focus on victim recovery, grounded in restorative justice and a humanistic philosophy of law. Indicators must capture progress in psychological healing, reproductive health, social reintegration, and educational continuity. Drawing on Martha Nussbaum's capabilities approach, recovery should be understood not simply as the completion of legal proceedings, but as the restoration of a child's fundamental capabilities to live with dignity and participate fully in society. In this sense, law fulfils its deeper normative role by addressing both individual harm and the broader structural vulnerabilities experienced by child victims.

The third category concerns legal culture, in line with Lawrence M. Friedman's theory that the effectiveness of law is inseparable from societal attitudes and values. Indicators should measure levels of victim-blaming in the public sphere, public perceptions of law enforcement officials, and reporting rates as indicators of trust in the justice system. Ideally, M&E mechanisms should be conducted regularly through child protection audits carried out by independent institutions to ensure objectivity

and accountability. In addition, the development of an integrated digital reporting system across agencies is crucial to prevent case loss and promote transparency, consistent with the principles of a modern rule-of-law state. (Friedman, 1975)

Evaluation must go beyond administrative documentation and stimulate corrective action, reflecting the spirit of progressive law, which prioritises social justice over rigid legalism. The participation of civil society, academics, and the press is vital in creating social oversight and holding the state accountable. From a critical perspective in legal philosophy, integrating mitigation, monitoring, and evaluation not only reduces the risk of repeat violations but also improves the quality of victim recovery and restores public trust. Ultimately, such an approach reaffirms children as full legal subjects entitled to overarching protection and meaningful justice.

This confirms the thesis that procedural justice without substantive justice will merely perpetuate injustice. Fragmented coordination between institutions and bias among officials represent the failure of the legal structure to internalise the moral purpose of law, namely the restoration of the victim's dignity. Furthermore, a legal culture that blames victims and normalises stigma shows that social values largely determine the effectiveness of law. In this context, the law does not stand neutral, but operates within power relations that often harm children.

An integrative approach that combines substantive justice, restorative justice, and progressive law offers a philosophical solution. Monitoring and evaluation are no longer understood as compliance administration, but as corrective mechanisms to ensure that the law truly works to restore victims. In the paradigm of legal philosophy, children are, in fact, full subjects of law, and meaningful justice is only realised when the law can protect their dignity, capabilities, and future.

CONCLUSION

The findings of this research demonstrate that the neglect of child victims' rights in cases of sexual violence constitutes a systemic failure shaped by three interrelated factors: regulatory frameworks that fail to centre the victim's perspective, weak commitment and sensitivity among law enforcement officials, and low public awareness of children's rights. Overlapping and inconsistent regulations indicate that the state has not prioritised child protection, while law enforcement officers who should serve as the primary protectors often display indifference toward victims. At the societal level, pervasive victim-blaming attitudes intensify children's psychological suffering and marginalise them. The interaction of these structural, institutional, and cultural dimensions reveals that the violation of child victims' rights is not an isolated legal problem but a collective failure that indicates a broader humanitarian crisis.

This study also underscores the urgency of a multi-stakeholder approach to addressing this neglect. Families must function as safe spaces that provide sustained emotional and practical support, communities should actively challenge stigma and

discrimination, and the government must ensure child-friendly regulations and effective law enforcement. Only through coordinated cooperation among these actors can the rights of child victims of sexual violence be comprehensively protected. Nevertheless, the study acknowledges its limitations, particularly its methodological scope and its focus on the Indonesian context, which is shaped by specific social and cultural conditions. As a result, the findings cannot be fully generalised to other countries. Future research should therefore explore community literacy, family-based support mechanisms, and the effectiveness of international regulatory frameworks through comparative studies across diverse cultural settings to develop a more comprehensive and just model of child victim protection.

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