

## Legal Protection For Children Who Are Victims of Sexual Violence So That Causes Mental Illness Disorders

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### Abstract

This research analyzes the legal protection provided to child victims of sexual violence who suffer from mental illness disorders, specifically examining Court Decision Number 2836/Pid.Sus/2022/PN.Mdn. Using a normative juridical method with statutory and case approaches, this study identifies that sexual violence against children results in profound psychological consequences, including trauma, depression, anxiety, and severe disorders such as PTSD, bipolar disorder, and schizophrenia. Although Indonesia has established a legal framework through the Child Protection Law and the Witness and Victim Protection Law to mandate rehabilitation and psychological support, its practical application often remains perpetrator-focused, leaving significant gaps in the victim's long-term mental recovery. In the analyzed case, the judge's considerations integrated the victim's severe mental state—characterized by self-harm and the need for intensive medical treatment—as a basis for sentencing. The study concludes that optimal legal protection requires a shift toward a victim-centered approach, necessitating stronger collaboration among law enforcement, healthcare providers, and the government to ensure comprehensive rehabilitation and the fulfillment of victims' rights.

### Keywords

Legal Protection; Sexual Violence; Mental Illness

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## 1. INTRODUCTION

Children are the next generation of the nation; for the nation's future sustainability, they must be protected so they can live, grow, develop, and participate. In their growth and development, children need protection and protection from violence and discrimination. A child is someone born within a valid marital relationship between a man and a woman. Sexual violence against children is not just an ordinary legal violation, but a serious human rights violation that has profound and long-term physical, psychological, and social impacts. (Hutagalung & Fitria, 2023)

The United Nations Convention on the Rights of the Child defines a child as all persons under the age of 18, but it does not rule out the possibility that a country may use other age limits to categorize children. To unify opinions on categorizing children's age ranges, governments around the world



agreed to adopt the UN Convention on the Rights of the Child. (Fadila & Khayatudin, 2022)

Crime is a humanitarian issue and a social reality whose fundamental causes are often misunderstood due to a lack of balanced, holistic analysis. A complex interplay of social, economic, and cultural factors drives shifting trends in criminal activity across urban and rural settings. Child victims tend to experience profound trauma, depression, anxiety disorders, and even serious mental health conditions such as Post-Traumatic Stress Disorder (PTSD), bipolar disorder, and even schizophrenia. These conditions not only hinder a child's emotional development but also lead to difficulties in social interactions and decreased educational achievement. (Tanjung, 2022)

Sexual violence against children is one of the most serious forms of human rights violations because it can cause long-lasting physical, psychological, and social impacts. Sexual violence not only causes physical injuries, but also causes deep trauma, depression, anxiety, fear, confidence disorders, and mental disorders that can last for a long time. (Sistha et al., 2025)

The psychological impact is often heavier than the physical impact because it affects the mental state and social life of the victim over a long period of time. Children who are victims of sexual violence tend to experience difficulties in social interaction, decreased educational achievement, and disturbances in emotional development. (Nurfazryana & Mirawati, 2022)

The persistent issue of child sexual abuse in Indonesia remains a critical concern, necessitating urgent intervention from both the state and the community. The annual rise in reported cases underscores significant gaps in the current safeguarding framework. Furthermore, the prevalence of such violence highlights systemic weaknesses in the legal system—specifically regarding case management, victim advocacy, and long-term psychological rehabilitation—emphasizing the need for a more integrated and enduring protective infrastructure for minors. (Batian & Hartanto, 2024)

Indonesia has established several legislative frameworks to safeguard child victims of sexual abuse. Specifically, Law No. 35 of 2014 mandates that every minor is entitled to protection from sexual offenses, as well as necessary rehabilitation and support. This is supplemented by Law No. 11 of 2012 (Child Criminal Justice System) and Law No. 31 of 2014 (Witness and Victim Protection), which collectively guarantee physical and psychological recovery. Such regulations demonstrate the government's commitment to creating an all-encompassing legal safety net for vulnerable children. (M. F. Y. Putri & Hariyanto, 2023)

Regulations have regulated the protection of child victims of sexual violence, but in practice, there are still various obstacles to its implementation. One of the obstacles that often occurs is the lack of psychological assistance for victims, the judicial process that is not completely child-friendly, and the lack of attention to the mental impacts of *illness* experienced by the victim. Many cases of sexual violence only focus on punishing the perpetrator, while the victim's mental recovery does not receive optimal

attention. In fact, legal protection for victims should not only focus on law enforcement against the perpetrator, but also on restoring the psychological and mental condition of the victim. (Scott, 2023)

The psychological repercussions for child victims of sexual violence represent a critical facet of legal protection, as these issues profoundly influence a survivor's overall future. Conditions such as trauma, depression, anxiety, and PTSD can derail a child's development with enduring consequences. Consequently, legal frameworks must integrate psychological rehabilitation, legal counsel, and social safeguarding to facilitate the victim's reintegration into daily life. Such holistic care is a fundamental pillar of a criminal justice system that prioritizes victims' needs. (Saputra, 2025)

In the context of law enforcement, the role of judges is very important in protecting child victims of sexual violence through legal considerations in court decisions. Judges not only play a role in sentencing the perpetrator, but must also consider the victim's condition, including the mental impact experienced. The right judge's consideration can provide justice for victims and ensure their rights are protected to the fullest extent. Analysis of court decisions is important to know the extent to which legal protection for child victims of sexual violence has been applied. (Loim et al., 2023)

One of the interesting decisions to be reviewed is Decision Number 2836/Pid.Sus/2022/PN.Mdn, which is related to cases of sexual violence against children that cause mental illness disorders in victims. This verdict shows how the law enforcement process is carried out and how the judge considers in giving a verdict against the perpetrator. Analysis of the verdict can provide an overview of the legal protection for child victims of sexual violence, especially in the aspect of the victim's mental recovery and the application of applicable laws. (Andayani et al., 2021)

## **2. METHOD**

This study employs a normative juridical research method, prioritizing the analysis of statutory frameworks, legal doctrines, and judicial precedents concerning legal protections for child survivors of sexual violence suffering from mental health issues. By utilizing secondary data and library-based materials as primary sources, this research aims to identify the legal principles and norms pertinent to the issue. The methodology incorporates both a statute approach and a case approach, specifically through a detailed examination of Court Decision Number 2836/Pid.Sus/2022/PN.Mdn regarding child sexual abuse. (Zainuddin & Karina, 2023)

The data for this study are derived from secondary sources, categorized into primary, secondary, and tertiary legal materials. Primary legal materials comprise authoritative statutes and instruments, including the 1945 Constitution, the Criminal Code (KUHP), and specific legislation such as the Child Protection Law, the Child Criminal Justice System Law, and the Witness and Victim Protection Law, as well as the judicial decisions under review. Secondary legal materials include scholarly literature, such

as law books, peer-reviewed journals, expert legal opinions, and relevant academic texts. Finally, tertiary materials, such as legal dictionaries and encyclopedias, are utilized to provide clarifying support and definitions. (Benuf & Azhar, 2020)

The data collection technique is carried out through literature studies (*Library Research*), namely by collecting various literature, legal documents, court decisions, journals, and laws and regulations related to research problems. This technique is used to obtain comprehensive data on legal protection for child victims of sexual violence who experience mental disorders. (Wirya & Wiraguna, 2026)

Data analysis is carried out qualitatively by examining and interpreting the collected legal materials, then linking them to relevant laws, regulations, and legal theories. The analysis process involves grouping data, interpreting court decisions, and comparing them with applicable legal provisions. Furthermore, conclusions are drawn by a deductive method, which is to conclude general provisions to specific problems related to the legal protection of children victims of sexual violence who experience mental *illness* in Decision Number 2836/Pid.Sus/2022/PN.Mdn. (Herlina, 2024)

### **3. FINDINGS AND DISCUSSION**

#### **3.1. The Impact of Sexual Violence on Children's Mental Health as Victims of Mental *Illness***

Sexual offenses against minors constitute a category of crime with profound implications for the victim's psychological well-being. Because children are in a critical state of developmental growth, they are exceptionally susceptible to mental health disorders when subjected to the severe trauma of sexual violence. Generally, the precipitating factors for such abuse emerge from the domestic and social spheres, often exacerbated by insufficient developmental supervision. Ironically, while the family should serve as a primary sanctuary, systemic issues such as neglect, domestic conflict, and weakened social controls can transform the home environment into a site of vulnerability. (Ali1 et al., 2024)

Disharmonious family conditions can affect the child's psychological development and increase the risk of sexual violence. Children who grow up in an unstable family environment tend to experience emotional distress and lose their sense of security, making it easy to become victims of violence. Parents' lack of attention to children's activities and associations can also open up opportunities for sexual violence, both by the closest people and by outsiders. In addition, the low public understanding of child protection and social stigma against victims of sexual violence often make victims reluctant to report the incidents they experience. (G. P. Sari, 2024)

Sexual violence against children not only has an impact on physical conditions, but also causes mental health or mental health disorders. Children who experience sexual violence generally experience deep trauma, anxiety, depression, and prolonged emotional distress. Unmanaged trauma can lead to behavioral changes, such as withdrawal from social environments, loss of confidence, and difficulty

interacting with others. These mental disorders can affect the child's growth and development process and have an impact on their social life and future. (L. R. Putri et al., 2024)

The impact of sexual violence on children's mental health can appear in various forms of psychological disorders. One of the main impacts is prolonged trauma, in which the child continues to remember the events he has experienced and experiences excessive fear and anxiety. Such trauma can lead to post-traumatic stress disorder (*Post-traumatic stress disorder*), depression, and anxiety disorders that affect children's daily activities. In addition, children who experience sexual violence are also at risk of sleep disturbances, loss of motivation, and excessive feelings of inferiority. (Putry et al., 2026)

In addition to trauma, sexual violence can also lead to mental disorders such as bipolar disorder and schizophrenia. Bipolar disorder is characterized by extreme mood swings, in which the victim can experience excessive feelings of happiness and then turn sad and hopeless in a short period of time. This condition can affect children's behavior, such as committing deviant acts, promiscuity, and the use of illegal substances as a form of escape from the trauma they experience. Meanwhile, schizophrenia is a severe mental disorder that causes victims to experience hallucinations, delusions, and disorders in thinking and behavior, requiring intensive medical and psychological treatment. (Ramadani & Fadila, 2024)

Sexual violence also has a great social impact on children as victims. The negative stigma of society often makes victims feel ashamed and afraid to tell about the incident they experienced. This condition causes the victim to harbor trauma for a long period of time and worsens his mental state. Children who are victims of sexual violence tend to have difficulty interacting with the surrounding environment, feel insecure, and lose trust in others. If not treated properly, this condition can lead to more serious mental disorders and the desire to end life. (Adila & Putri, 2023)

The impact of sexual violence on children's mental health can also be seen in the case analyzed in this study, namely Decision Number 2836/Pid.Sus/2022/PN.Mdn. In this case, the victim experienced severe trauma due to sexual violence committed by her stepfather. The victim was depressed, had undergone rehabilitation, been hospitalized, and showed self-harm behavior and took bipolar drugs. This condition shows that sexual violence has a very serious impact on children's mental health and requires special attention from families, communities, and the state in providing protection and recovery to victims. (Nihayah et al., 2022)

The repercussions of child sexual abuse on a victim's psychological well-being are immense, manifesting in severe conditions such as trauma, clinical depression, anxiety, bipolar disorder, schizophrenia, and PTSD. Consequently, a proactive synergy between the family, the community, and the state is imperative to provide the necessary psychological safeguards and rehabilitation. Such

intervention is essential to facilitate the victim's recovery, allowing them to reintegrate into society and secure a more promising future. (Ramadhani & Nurwati, 2023)

### **3.2. Legal Protection for Minors as Victims of Sexual Violence Experiencing Mental *Illness***

The provision of legal safeguards for child survivors of sexual violence is a cornerstone of the Indonesian criminal justice framework, primarily intended to uphold the rights of children as victims (Putra et al., 2020). Due to their ongoing developmental phase, minors exhibit a high degree of vulnerability to various forms of abuse, necessitating specialized intervention from the state. Beyond the punitive measures aimed at perpetrators, legal protection is designed to guarantee a sense of security and justice, while prioritizing the psychological recovery of those suffering from trauma and mental health challenges resulting from the abuse. (Sudarmaji & Sebyar, 2023)

In Indonesia, the legal safeguarding of child survivors of sexual violence is codified across several legislative instruments. The Child Protection Law fundamentally guarantees every minor's right to be shielded from sexual abuse, while also ensuring access to rehabilitation and professional assistance (Mawarni et al., 2023). Furthermore, the Juvenile Criminal Justice System Act and the Witness and Victim Protection Law reinforce these protections within the judiciary, specifically mandating legal counsel, anonymity, and comprehensive physical and psychological recovery services. These statutory provisions collectively demonstrate the state's commitment to establishing a robust legal framework for protecting children. (Silalahi & Prasetyo, 2025)

Legal protection for children who are victims of sexual violence who experience mental illness *illness* It has a very important role because the mental disorders experienced by the victim can affect the life and future of the child (Rizqian, 2021). Children who are victims of sexual violence who experience trauma, depression, anxiety, or other mental disorders need psychological and social rehabilitation in order to return to living a normal life. Legal protection in this case extends beyond law enforcement against the perpetrator to include the victim's mental recovery through health services, psychological assistance, and social support from the government and the community. (Muharomah & Indawati, 2025)

In a practical context, the legal safeguarding of child survivors of sexual violence is hampered by several systemic barriers. A primary concern is the limited access to psychological rehabilitation and legal counsel, leaving many survivors without the clinical intervention necessary to address their trauma. Furthermore, the prevailing social stigma surrounding sexual abuse acts as a significant deterrent to mental recovery; the resulting shame and fear often prevent victims from reporting these crimes, thereby exacerbating their psychological distress. (Nisa & Mulyasari, 2023)

The synergy between state agencies and social institutions is paramount in safeguarding child survivors of sexual violence who have psychological disorders. Specialized child protection bodies, legal aid organizations, and healthcare professionals—including psychologists—play a vital role in delivering comprehensive advocacy and rehabilitative care. Furthermore, the government is mandated to establish accessible mental health facilities, counseling resources, and social reintegration programs. Such coordinated efforts are essential to guarantee that victims achieve optimal recovery and long-term protection following their trauma. (Fernanda et al., 2025)

Legal safeguards for child survivors of sexual violence must be implemented through a child-friendly justice framework. This approach is specifically designed to mitigate the risk of re-victimization (re-traumatization) throughout the judicial proceedings. It is imperative that minors receive consistent psychological support during interrogations and that their anonymity is strictly preserved to prevent social stigmatization. Furthermore, evidentiary examinations must be conducted with extreme sensitivity to ensure that the process does not exacerbate the victim's psychological distress. (Bherta, 2021)

Legal protection for children who are victims of sexual violence and who experience mental illness. It can be seen in the legal process against the perpetrator and in efforts to support the victim through rehabilitation. The victim suffered severe trauma and had to receive medical treatment and psychological assistance. This shows that legal protection for victims is not only carried out through the judicial process but also through efforts to restore victims' mental health so they can return to their normal lives. (Wahyuni & Pratama, 2025)

The current legal protection framework for child survivors of sexual violence suffering from psychological disorders requires significant enhancement, particularly regarding the coordination between law enforcement, healthcare providers, and child welfare agencies. A truly effective legal response must integrate the rigorous prosecution of offenders with comprehensive mental health restoration and robust preventative strategies. It is imperative that the government refines child protection policies, invests in specialized rehabilitation infrastructure, and fosters greater public awareness regarding the necessity of safeguarding vulnerable children. (Antoni et al., 2024)

The legal safeguarding of child survivors of sexual violence suffering from psychological disorders is a collective obligation shared by the state, the community, and the family. This protective framework transcends mere punitive measures against perpetrators, prioritizing the psychological and social rehabilitation of the victim. Through such comprehensive legal mechanisms, the objective is to ensure that survivors achieve justice, security, and a full recovery, ultimately paving the way for a more promising future. (Capah & Fikri, 2023)

### **3.3. Legal Considerations for Minors as Victims of Sexual Violence in Case Decision Number 2836/Pid.Sus/2022/Pn.Mdn**

The judge's legal considerations in deciding cases of sexual violence against children have a very important role in ensuring the achievement of justice, legal certainty, and legal benefits for victims and perpetrators. The judge, as a law enforcer, has the authority to assess the facts of the case, the evidence, and the condition of the victim in rendering a fair and proportionate verdict. In cases of sexual violence against children, the judge not only considers the perpetrator's fault, but also must pay attention to the impact experienced by the victim, especially the mental health impact arising from the perpetrator's actions. (Scott, 2024)

The judge's consideration in a case of sexual violence against a child is generally based on the legal facts revealed in the trial, such as witness statements, victim statements, defendant statements, and evidence submitted by the public prosecutor. The judge also considered the results of the visum, medical records, and expert testimony related to the victim's psychological condition. This is important to ensure that the verdict truly reflects justice and provides legal protection for children as victims of sexual violence. (M. K. Sari et al., 2024)

In Decision Number 2836/Pid.Sus/2022/PN.Mdn, the judge considered various legal aspects before passing a verdict against the perpetrator of sexual violence. The judge considered that the defendant's actions had been legally and convincingly proven to have committed the crime of sexual violence against children. This is evidenced by the victim's statements, witnesses, and evidence of the criminal act. In addition, the judge also considered the impact experienced by the victim, including mental disorders experienced due to sexual violence committed by the defendant.

The judge's consideration in the decision shows that the aspect of protection for children victims of sexual violence is one of the important factors in making the decision. The judge considered that the defendant's actions not only violated the criminal law but also damaged the victim's future and caused serious mental disorders. Therefore, the punishment imposed on the perpetrator aims to deter similar crimes and protect the community. The verdict also reflects that the judge has considered the victim's psychological impact as part of the legal considerations. (Mahendra & Rasji, 2024)

In determining the appropriate sanction, the court evaluates both aggravating and mitigating factors alongside the essential elements of the crime. Aggravating circumstances in this case center on the profound psychological trauma and mental health repercussions inflicted upon the minor, as well as the defendant's breach of duty toward a vulnerable child. Conversely, mitigating factors typically involve the defendant's courtroom conduct, such as a formal confession or a lack of prior criminal history. This balanced assessment is a fundamental component in the judge's determination of a proportionate sentence. (Febriansyah et al., 2026)

The judiciary's responsibility toward child survivors of sexual violence extends beyond the mere imposition of criminal sanctions; it encompasses the active preservation of the victim's fundamental rights. A judge's legal reasoning must formally integrate the victim's entitlement to protection, advocacy, and psychological restoration. In the case under review, the court's deliberations reflect a clear prioritization of victim welfare. However, it is acknowledged that full psychological recovery remains dependent on a collaborative effort involving the family, state authorities, and social organizations. (Suryantoro, 2022)

The judge's legal considerations in the decision also reflect the application of applicable laws and regulations, especially related to child protection and sexual violence. The judge was guided by the legal provisions that regulate child protection as well as the criminal provisions that apply to perpetrators of sexual violence. This shows that the judge's decision has been based on the principles of legality and legal certainty, thereby providing a sense of justice for the victim and the community.

In practice, there are still several things that need to be considered in the judge's legal considerations, especially related to the mental recovery of the victim. Court decisions often focus more on punishing the perpetrator, while the rehabilitation and mental recovery aspects of the victim have not been the main concern. In fact, children who are victims of sexual violence who experience mental illness need continuous protection and rehabilitation in order to return to normal life. Therefore, the judge's consideration should also include recommendations for the victim's psychological recovery as part of legal protection. (Rizaldy & Kristianto, 2025)

The judge's legal considerations in Decision Number 2836/Pid.Sus/2022/PN.Mdn has considered aspects of proof, impact on victims, and applicable legal provisions. The verdict shows that the judge has tried to provide justice by sentencing the perpetrator and considering the mental impact experienced by the victim. However, protection for the mental recovery of victims still needs to be improved so that legal protection for children victims of sexual violence can run more optimally.

#### **4. CONCLUSION**

Sexual violence against children has a serious impact on the victim's mental health, such as trauma, depression, anxiety, and mental *illness* disorders that affect the psychological development and social life of children. Therefore, the mental recovery of victims through rehabilitation and psychological assistance is an important part of child protection.

Indonesia's existing laws on child sexual abuse have yet to be fully realized in practice, especially concerning the mental health recovery of survivors and the coordination between state agencies. Legal safeguards should shift from a perpetrator-centered approach to one that emphasizes the healing process and actively upholds the victim's rights.

The judge's consideration in Decision Number 2836/Pid.Sus/2022/PN.Mdn has paid attention to the legal facts and the impact experienced by the victim, but protection for the victim's mental recovery still needs to be improved so that justice and legal protection for children victims of sexual violence can run optimally.

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