

The Role of the Indonesian Child Protection Commission in Preventing Sexual Violence Committed by Adolescents from the Perspective of Law Number 23 of 2002 concerning Child Protection

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Abstract

Sexual violence committed by adolescents is a complex legal and social problem because the perpetrator is still in the stage of psychological development and has the possibility of being in a position as a victim of previous violence. This study aims to analyze the role of the Indonesian Child Protection Commission (KPAI) in preventing sexual violence committed by adolescents and identify the obstacles faced by KPAI in carrying out its child protection function based on the perspective of Law Number 23 of 2002 concerning Child Protection. The research uses a normative juridical approach by examining the provisions of laws and regulations and various literature related to child protection, sexual violence, and the institutional role of KPAI. The results of the study show that KPAI has an important role in supervising the implementation of child protection and fulfillment of rights, providing input and recommendations in policy formulation, educating and socializing the community, families, and educational environments, and encouraging inter-agency coordination in efforts to prevent sexual violence. In handling adolescents as perpetrators, the child protection approach needs to prioritize the best interests of children through coaching and rehabilitation without neglecting rights and justice for victims. The implementation of this role still faces various obstacles, including limited resources, weak inter-institutional coordination, low public awareness, and limited KPAI executive authority. Therefore, institutional strengthening, legal education, cross-sector coordination, and comprehensive prevention strategies are needed to realize effective child protection.

Keywords

KPAI; Sexual Violence; Child Protection.

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1. INTRODUCTION

Of the many studies on sexual violence, the most dominating is research on victims of sexual violence, but rarely in some studies on sexual violence the object is the perpetrator. The government makes efforts so that children as the next generation of the nation can grow and develop according to the potentials they have so that they are ready to become recipients of the baton given by the previous generation. With its policy, the government has created a category of children regulated in Law Number 23 of 2002 concerning Child Protection explaining that children who are not yet 18 years old are



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considered immature. Then the government established an institution that specifically deals with children, namely KPAI or the Indonesian Child Protection Commission, this institution has several responsibilities regulated in its regulations are to ensure the human rights of every child, to provide support for both facilities and infrastructure related to the implementation of child protection, as an institution that supervises the protection of children and provides guarantees to children to use their rights in expressing an opinion according to the age and level of intelligence of the child.(Supeno, 2010)

The increase in modernization certainly affects a social life, so that it can result in an increasingly complex and diverse situation, as well as affect the weakness of a country's defense due to progress in a field. Indeed, some of the problems faced by societies in general are the same, for example because of the influence of acculturation from foreign cultures so that they are very vulnerable to penetrate the soul of children.(Ihsan, 2016) Regarding children's problems in Indonesia, it has not been handled seriously and comprehensively because in dealing with children is still in a marginal position in the midst of political problems and power hegemony, but on the one hand children's problems are always considered something important to the point of needing and caring for them, but on the other hand the reality is that the handling of children's problems is still not handled properly.(Fikriana & Efendy, n.d.) Some incidents of rape crimes committed by teenagers or minors are influenced by several factors such as psychological conditions, can also be influenced by their childhood that never gets affection from their parents, because their parents are busy, can also be caused by certain irresponsible parties, environmental influences, freedom of association due to not getting parental attention at home, the existence of films and videos that invite *sahwat* and escape censorship, readings that can cause stimulation and influence for those who read and see it so that pre-adolescent children have great potential both as victims and perpetrators of harassment and sexual violence.(Haryono, 2016)

If you look at some studies that always prioritize the object of the victim, of course this will also affect the pattern of prevention of crimes committed by children. Indeed, the case of the victim has a very significant role in the occurrence of a crime.(Ginting et al., 2024) Understanding the meaning of sexual crime is an act of sexual harassment against a person without the consent of the victim, forms of sexual violence can occur in various forms including attempted sexual acts, invitations to commit sexual acts and threats of sexual acts.(Ain & dkk., 2022) From several studies on the causes of people who commit crimes, it can be triggered by the presence of mental illness and this includes criminogenic factors affecting the behavior of criminals although it is not always a determining factor. The presence of several institutions that care about children cannot be separated from the emergence of the Convention on the Rights of the Child or more commonly known as the KHA because it is part of an international instrument in the field of human rights. This Convention is a form of juridically and politically binding agreement between various countries that regulates matters that are very related to

children and is an instrument to ensure the fulfillment of the basic needs of children.(Octara, 2010) The Child Protection Law also explains that for children, the government has provided policies through Law Number 23 of 2002, where several provisions have been amended by Law Number 35 of 2014 concerning Child Protection. In the provisions of the regulation, there are provisions for special protection for children related to when children are in an emergency situation, children who are in contact with the law, children from minority and isolated groups, children who are economically and/or sexually exploited, children who are trafficked, children who are victims of narcotics abuse, psychotropic alcohol, other addictive substances or drugs, children who are victims of kidnapping, sales, trafficking, children who are victims of physical and/or mental violence, children with disabilities, and children who are victims of mistreatment and neglect.

In terms of child protection, the government with its policies regulated in Presidential Regulation Number 61 of 2016 concerning the Child Protection Commission where Article 3 among them states several things as follows: supervising the implementation of the protection and fulfillment of children's rights, providing input and proposals in the formulation of policies on the implementation of child protection, collecting data and information on child protection. As a state institution that always intensely partners with child protection stakeholders, builds conduciveness and affirms its function as a state institution that can map out problems that arise against children so as to carry out an intervention. As a state institution that is obliged to play its role in overseeing a state policy related to child protection so as to use an approach that seeks to regulate the root of the problem in order to find solutions to solve it, then the results can be considered in making policies both at the regional and central.(Arliman S., 2017)

When children are faced with the law, of course, KPAI must be involved because it is a mandate from the Law for how to handle and prevent it from happening again in the future with the same case. In the research, Kamilatun and Nisa Fadhila explained about the factors that cause children to commit an act of violence or sexual harassment due to internal and external factors. As for internal factors, the reason is because of the emergence of emotional power that is considered to not have the balance to be able to control their emotions or not be able to resist the desires of their biological desires. Then it can also be because of the age level, for example, the age that has not yet turned 18 is very vulnerable because it really wants to know everything and is not stable. External factors are education because if you do not have good knowledge and education, you will lose direction and purpose and are easily influenced by a negative environment, environmental factors have a great effect on the character of children because they can imitate where they develop, especially plus the environment often commits crimes, heavy drinking and drugs, this factor is the most dominant cause of children committing crimes because their souls and minds have been damaged by very dangerous substances.(Kamilatun & Fadhila,

2021)

Sexual violence committed by children is a very complex and sensitive phenomenon, although sexual violence committed by children is a serious problem, there is still very little research on such matters. There are also those who say that one of the main reasons why there is little research on sexual violence carried out by children is because it often involves victims who are still children, so research on this topic also requires a careful and ethical approach. If quoting Jones' opinion, he said that research on sexual violence carried out by children is still relatively small because of its sensitive and complex nature (Jones, 2004). Finkelhor also said that related to research on sexual violence carried out by children, it still faces difficulties in collecting accurate and reliable data, even though in research on sexual violence carried out by children, victims are often the main focus, but research on perpetrators of sexual violence who are still children is also very important. (Finkelhor & dkk., 2009) Likewise, according to Ryan, research on child sexual violence perpetrators can help us understand the factors that lead to sexual violence and develop effective prevention strategies. (Ryan, 2009)

2. METHOD

This research uses normative juridical legal research methods, which are research that places legal norms, laws and regulations, doctrines, and legal literature as the main basis for analyzing research problems. The approaches used are the statute *approach* and the conceptual *approach*. The legislative approach is used to examine legal provisions regarding child protection, especially Law Number 23 of 2002 concerning Child Protection as amended by Law Number 35 of 2014, as well as provisions regarding the position, duties, and functions of the Indonesian Child Protection Commission. The conceptual approach is used to understand the concepts of child protection, sexual violence, prevention of violence, and handling of children in conflict with the law.

The sources of legal materials in this study consist of primary legal materials, and secondary legal materials. Primary legal materials include Law Number 23 of 2002 concerning Child Protection; Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection; Law Number 17 of 2016 concerning the Stipulation of Government Regulation in Lieu of Law Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection into Law; Presidential Regulation Number 61 of 2016 concerning the Indonesian Child Protection Commission; Presidential Regulation Number 18 of 2020 concerning the National Medium-Term Development Plan for 2020–2024; and the Convention on the Rights of the Child which is relevant to the protection and fulfillment of children's rights. In the journal, Presidential Regulation No. 61 of 2016 is used as a basis to explain the function of KPAI in conducting supervision, providing input and policy proposals, and collecting data and information on child protection.

Secondary legal materials are in the form of law books, scientific journals, research results, scientific articles, proceedings, and academic works related to child protection, sexual violence against children, children as perpetrators of criminal acts, the role of KPAI, factors that cause sexual violence, and prevention and rehabilitation strategies. Secondary legal materials used include works by Supeno, Soekanto, Finkelhor, Ryan, Hackett, as well as studies on child protection and sexual violence listed in journal bibliographies.

The collection of legal materials is carried out through library *research*, namely by identifying, inventorying, reading, and reviewing various laws and regulations and literature related to the object of research. Furthermore, all legal materials are analyzed qualitatively and descriptive-analytical by linking normative provisions with problems regarding the role and constraints of KPAI in preventing sexual violence committed by adolescents. The analysis is directed to obtain an overview of the implementation of the functions of supervision, education, recommendation, coordination, and strengthening preventive and rehabilitative efforts in child protection.

3. FINDINGS AND DISCUSSION

A. The role of the Indonesian Child Protection Commission in preventing sexual violence committed by adolescents when studied from the perspective of Law Number 23 of 2002 concerning Child Protection

In Law Number 23 of 2002 concerning Child Protection, which has been amended to several articles through Law Number 35 of 2014, this regulation also adds related to the responsibility of the government, parents, and the community in protecting children from various forms of violence. Many argue that even though there is a clear legal framework, the protection of children and their handling still has many challenges, for example at the school level due to the lack of awareness and knowledge of educators, parents related to protection mechanisms, in addition to that also because of the weak coordination between institutions. (Cayo, 2025) Child sexual abuse is a very serious public health problem that can increase the risk of physical and mental health problems throughout life. However, there is no validated prevention program that targets perpetrators by adolescents, most of the existing efforts to address child sexual abuse are highly dependent on reactive criminal justice policies or programs that teach children to protect themselves. According to Finkelhor's research, crimes committed by adolescents are temporary, the reason being that most adolescents who commit sexual crimes do not repeat their sexual crimes. Because as adolescents get older and go through early adolescence, the incidence rate of crimes against younger children decreases sharply.

If you look at his opinion, Caldwell by looking at 63 several data sets related to sexual

recidivism, including more than 11,000 adolescents who have committed sexual crimes. From the analysis that 5 years is 7 percent, reviewing 33,000 adolescents who have committed sexual crimes. Studies published over the last 15 years reveal the average recidivism rate of 5 years of 2.75 percent. The decrease in the recidivism rate from 7 percent to 2.75 percent, where there is support from other sources, shows a decrease in the rate of child sexual abuse since the 1990s. If you look at the external factors that can cause sexual violence in children or adolescents as follows:

- 1) The level of awareness possessed by the public towards child protection is very minimal both in the school environment and in other environments, also influenced by factors that cannot provide synchronization of the implementation of child protection both in terms of parents, family, community, as well as the government and the state. From the parties mentioned above, they are very responsible parties according to Law Number 23 of 2002 concerning Child Protection.
- 2) As a result of pornography and action pornography that are easily accessible in the era of digitalization or technological advances as explained earlier, mass media not only has a positive impact but also a negative impact. So the role of parents is highly expected to supervise children's activities
- 3) Sometimes there is no synchronization between legislative products related to children's problems, because the many rules made by the government related to children's problems since the reform era cause problems or are not synchronized in their enforcement
- 4) The exploitation of children is very large, both through the development of the tourism industry and situational and preferential child sex. Tourism is indeed one of the government's efforts to improve the economy for the community, but a number of destinations are actually places of child sexual exploitation. This must be paid more intensively by the government so that it does not have a massive impact.(Lewoleba & Fahrozi, 2020)

In foreign countries, the author provides little form of prevention against offenders which is mainly aimed at the adult population where it is necessary to start with adolescents under the age of 12, because in his research the age shows an increase in crime occurs. Given the sharp increase in the rate of sexual crimes at this age. Prevention for adolescents is more difficult because they prey on children who are much younger than the age of 4 to 7 years. Families and Child Protection Institutions need to always be aware of the context involving the pairing of adolescent boys with much younger children.(Finkelhor, 2009) Presidential Regulation No. 18 of 2020 concerning the RPJMN from 2020 to 2024 which stipulates child

protection as a form of national development priority that aims to realize a child-friendly Indonesia or IDOLA through a strengthening of a child protection system or SPA that is responsive to a diversity of children and regional characteristics to ensure that children enjoy their rights.

Some of the strategies are as follows:

- 1) Regulations must be strengthened and law enforcement that is proportionate to the best interests of children
- 2) Strengthening several institutions through improving human resources to be more effective in the form of service provision, coordination, data and information systems, as well as coaching and supervision functions
- 3) Increase an understanding related to child protection for stakeholders, communities, families, children, academics and universities
- 4) Strengthening connections between the government and various communities, both mass media, entrepreneurs and NGOs
- 5) Increasing a child's participation in a development according to the level of maturity of his age
- 6) Strengthening the form of efforts in preventive actions and handling various acts of violence, whether in the form of exploitation, including the issue of child labor and neglect of children
- 7) Strengthening the form of coordination and synergy of efforts in preventing child marriage by involving various stakeholders
- 8) Increase access to integrated, friendly and inclusive basic services for all children, especially for children in special situations and conditions
- 9) Improved services and rehabilitation for children who need special protection, including paying attention when in emergency situations such as pandemics and disasters. (Cahyono et al., 2022)

KPAI ideally for its role is to monitor, supervise and provide encouragement so that the implementation of child protection is more effective so that it is explicitly outlined in Law Number 23 of 2002 concerning child protection. If it is seen that KPAI needs to pay attention to a humanitarian aspect with ways of handling it so that it is democratic and even has many obstacles, especially academics stating the right steps and must be professional. (Supeno, 2010) It is critical for all levels of society, including all individuals, families and communities to work together to end violence so that any effort in prevention will require the involvement of various sectors including public health, education, criminal justice and social services. If we look at the

ways in which an agency in the United States has prevented sexual violence, including the CDC, it continues to evaluate promising strategies and will evaluate the Rape Prevention and Education program, or better known as RPE, usually the health department that runs it. So that some of the ways communities use the best available evidence to prevent violence, the CDC developed a pattern called STOP SV so that strategies and approaches to prevent sexual violence include:

In addition to the above methods, the form of relapse prevention is an approach that focuses on identifying and managing high-risk situations that can lead to a recurrence, i.e. the recurrence of a harmful sexual behavior. This orientation has traditionally emphasized a number of separate elements in specific areas of work with young people, such as the following:

- 1) A detailed analysis of a behavior regarding sexual harassment behavior, including triggers, risk factors and consequences
- 2) Identifying and modifying cognitive distortions by having sex with a child is not harmful
- 3) Develop a level of empathic concern for young people, both globally and specifically for victims
- 4) Conduct an educational activity on sexual values, attitudes, nature of sexual harassment and information-based consent issues
- 5) Trust management
- 6) Social skills training
- 7) Overcoming deviant sexual arousal
- 8) Teaching self-control skills, exercises and management of risky situations.(Hackett, 2014)

Some of the theories described above are from various studies and even in some foreign references or studies from several countries such as the United States and the United Kingdom on the factors of sexual harassment or sexual violence and also explain some approaches on how to prevent and patterns so that children and adolescents can be prevented from committing an act of sexual violence.

If we refer to the opinion of the National Commission for Child Protection that the cause of sexual violence against children is because of the background of domestic violence or it can be said that there is an unharmonious household, an unhealthy family because there is no role of parents, influenced by economic factors due to the pressure of family conditions caused by economic squeeze is a factor that occurs a lot, a wrong view of the position of children in the family because the economy is very difficult in the family so that it causes stress where the child is also an outlet or by allowing the child not to meet his needs, it can also be because it is caused by the family committing violence against the child with the aim of forcing the will of the child

to respect the parents and do all the words that the parents say, on the one hand in the Child Protection Law Number 23 of 2002, regulating if a child is a perpetrator of violence or torture against a child is also regulated in Article 80 paragraph (1), paragraph (2), paragraph (3), but on the one hand also the Convention which is of concern to the United Nations in Article 3 paragraph (2) and paragraph (3) which explains that the state that is a participant in the Convention has an obligation to provide guarantees in the protection of children and provide care for children in their jurisdiction or jurisdiction, where the state takes a role allowing parents to be very responsible for their children as well as other legal institutions. It is also stated that the state guarantees as a form of its obligation to provide services and facilities for child care or child protection in accordance with the standards built by competent institutions. The state must make standards for children's social services and ensure that all responsible institutions comply with the standards by monitoring their implementation. (Mukhlis, 2015)

B. The factors that are obstacles to the Indonesian Child Protection Commission in preventing sexual violence committed by adolescents are examined from the perspective of Law Number 23 of 2002 concerning Child Protection

In Indonesian child protection institutions in carrying out their responsibilities as a state institution that handles related to women and children, there are certainly several obstacles that limit the effectiveness of efforts to protect children, namely limited resources, both in terms of personnel and budget, when viewed from the number of cases of violence KPAI continues to move but is often forced to operate below their optimal capacity, causing a decrease in the services they provide to children in need of protection. Inter-agency coordination is also an obstacle in child protection activities by KPAI, the obstacles can occur significantly in child protection efforts, even though there are too many institutions involved in child protection. In terms of coordination, it is often very difficult to cause overlap in efforts and loss of synergy between institutions. This can hinder quick and holistic responses to child protection cases. (Widayanti, 2023)

Child protection is actually any form of effort made to create a condition that allows children to carry out their rights and obligations for the sake of reasonable development and growth both physically, mentally and socially. A form of child protection that reflects the existence of justice in society so that it must be pursued in various fields of state and national life. The form of child protection always carries legal consequences, both related to written law and unwritten law. That the law serves as a guarantee to ensure that in efforts to protect children does not only depend on the existence of the law, but also on its fair and appropriate implementation in the field. Protection also means that a form of service that must be carried

out by law enforcement officials or security forces to provide a sense of security both physically and mentally. If you look at child protection based on Article 1 number 2 of Law Number 35 of 2014 concerning Child Protection. Explaining that child protection is an activity to guarantee and protect children and their rights so that they can live to grow, develop, participate, optimally in accordance with the blessings and dignity of humanity and receive protection from violence and criminalization. The opinion also says that child protection is an effort to ensure that children can carry out their rights and obligations, protecting children's rights is basically directly related to the provisions in laws and regulations so that legal regulations must be designed and implemented in such a way that a child's rights can be effectively protected, provide legal certainty and ensure that children can grow and develop in a safe and supportive environment.(Nurmalasari, 2024)

If we quote Indonesian legal expert Soerjono Soekanto to explain that the effectiveness of a law in society depends on several factors such as legal factors, law enforcement factors, supporting facilities factors, public awareness factors of the law and cultural factors related to the prevention of sexual violence are very difficult to realize, there are several things that cite the problem of prevention that still has many obstacles in efforts to commit sexual violence as follows:

- 1) From the factor of embarrassment, that the obstacle or obstacle in this point if the position is in the victim who does not know and feels that he does not want to share his experience.
- 2) From the threat factor, this is more of an approach to the victim
- 3) From cultural factors, indeed patriarchal power can also be a trigger behind discrimination or violence against women. In patriarchal culture, there is subordination and power imbalance between men and women and dominance, patriarchal culture is strengthened through social and political institutions. The state also participates in legalizing polygamous marriage even with certain conditions.(Soekanto, 2004)

In some opinions, there are also several studies that have been conducted related to the object of violence against child violence that there are several factors that affect the effectiveness or constraints in the program for the prevention and handling of sexual violence in schools that are based on religion as an example only. According to a theory, whether it is obtained from the results of research or indeed purely in theory or concept, it is said that the effectiveness of a program in the prevention and handling of sexual violence in schools is highly influenced by the design of the program, stakeholder involvement and alignment with the cultural values of the program that adopts a holistic approach, integrating education, community framework, the results are more successful because, an approach in a comprehensive way ensures that all

aspects of prevention and response are addressed, from raising awareness to implementing a strong reporting mechanism and providing support services.(Nasution et al., 2025)

It is very complex to talk about factors that are obstacles in preventing the occurrence of sexual violence from both victims and perpetrators, if socialization is not based on the understanding of the general public regarding the methods and patterns of prevention, it will not have an optimal impact on success, socialization that does not have a form and way for the community to raise their awareness is also an activity that does not have a significant impact, so it will actually have an impact on state losses because it has to use socialization funds from the state budget. Socialization, education and information are often carried out effectively but still do not have a very good impact significantly.(Fajrianti, 2022) Related to the factors that become obstacles in the prevention and even protection of sexual violence committed by adolescents. According to Fryanka Cesa in her Political Journal said that the very crucial obstacle is the low awareness of the community, because according to her most or the majority of the community has not understood the correct procedure to report acts of violence and sexual harassment, mainly due to the lack of socialization and education about the law among the community.(Oktrian et al., 2024) In the author's opinion, for some descriptions and responses related to obstacles or factors that hinder the implementation of prevention and protection activities against sexual violence, it is not due to lack of socialization or because of a lack of public awareness. But what we need to know is that to increase community awareness, it does not happen by itself to the community itself, but there must be procedures that must be taught and taught by the community so that their knowledge about the pattern and method of prevention can be carried out. Sometimes we often blame the condition of the community whose level of awareness is considered low in something. But we forget that we never teach and do so that their awareness can increase.

4. CONCLUSIONS

The Indonesian Child Protection Commission (KPAI) has a main role as a supervisory institution in the implementation of child protection as stipulated in Law Number 23 of 2002 concerning Child Protection. KPAI is not a law enforcement agency or an executor, but rather functions to ensure that the government and related institutions carry out efforts to prevent and handle violence against children effectively. In the case of sexual violence committed by adolescents, the approach used needs to prioritize the best interests of children through social coaching and rehabilitation, without neglecting rights and justice for victims. KPAI also plays a role in socializing and educating children's rights to families, communities, and school environments as an effort to prevent sexual violence and break the

chain of violence against children. However, in its implementation there are several obstacles, one of which is the dualism of the status of adolescents as perpetrators as well as vulnerable parties to become victims. Adolescents as perpetrators are still in the stage of psychological development and may have a background as victims of violence or exposure to negative content, thus causing a dilemma in determining a balanced form of coaching and rehabilitation between the protection of the rights of the perpetrator and justice for the victim. In addition, the limited executive authority of the KPAI is an obstacle because the KPAI plays a more role in supervision, providing recommendations, and input to related institutions. The application of the restorative approach is also still facing debate, especially in determining the boundary between prevention efforts through education and coaching and the need to provide a deterrent effect through formal legal processes to prevent the recurrence of sexual violence.

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