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## Policy for implementing restitution sanctions for children who are victims of sexual violence

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### Abstract

Restitution/compensation from perpetrators to victims of sexual violence is actually a form of legal protection and an effort to ensure the fulfillment of children's rights after sexual violence befalls them. Confirmed in various laws and regulations, especially in Article 2 paragraph (2) letter f and Article 4 PP No. 43 of 2017 concerning the Implementation of Restitution for Child Victims of Crime. The problems are (1) legal certainty of the right to obtain restitution for child victims of sexual violence, (2) restitution as a form of criminal responsibility for perpetrators towards child victims of sexual violence, and (3) future arrangements for providing restitution that fulfills the rights of child victims of violence. sexual. Type of normative juridical research with statutory, conceptual and case approaches. The research results show that (1) The right to receive restitution for child victims of sexual violence actually meets legal certainty. (2) Restitution is a form of legal accountability for perpetrators which generally accommodates the rights of children victims of sexual violence, namely: (i) The right to information, (ii) The right to documents resulting from treatment, (iii) The right to legal services, (iv) The right to psychological strengthening, (v) The right to health services. (3) Future arrangements for providing restitution in accordance with the rights of child victims of sexual violence need to be revised, namely in relation to Perma No. 1 of 2022, namely the need for comprehensive legal considerations regarding the provision of restitution for child victims of sexual violence, and court decisions as well as the need to revise various laws and regulations that discuss restitution for child victims of sexual violence. The conclusion is that providing restitution to guarantee the rights of children who are victims of sexual violence actually meets legal certainty and requires specific regulations to facilitate restitution practices in court institutions.

**Keywords:** Children, Sexual Violence, Victims, Restitution

### Introduction

Sexual violence, especially targeting children, is a reality that threatens children's rights to grow and develop. Referring to survey results from the Ministry of PPPA, cases of sexual violence against children reached 9,588 cases in 2022, which is an increase from the previous year, namely 2021, which reached 4,162 cases <sup>[1]</sup>. In connection with the phenomenon of sexual violence against children, in 2022 Law no. 12 of 2022 concerning Criminal Acts of Sexual Violence (hereinafter abbreviated to the TPKS Law), one of the substances of which regulates various efforts to protect children from sexual violence <sup>[2]</sup>.

<sup>1</sup> Riza Awaludin Rahmansyah, Nurani Nabillah, and Anisa Siti Nurjanah, "Tindakan Hukum Terhadap Anak Sebagai Korban Pelecehan Seksual Yang Dilakukan Herry Wirawan," *Jurnal Indonesia Sosial Sains* 3, no. 6 (2022): h.956-964, <https://doi.org/10.36418/jiss.v3i6.621>.

<sup>2</sup> M. Adib Nur Huda Dicky Eko Prasetyo, "Penyadaran Kekerasan Seksual Di Sekolah: Implementasi Moderasi Beragama Dalam Pelajaran Pendidikan Agama Islam Di SMPN 1 Kalitidu, Bojonegoro," *Amorti: Jurnal Studi Islam Interdisipliner* 1, no. 2 (2022):h.85.

Apart from that, efforts to protect children from various criminal acts, especially criminal acts of sexual violence, are also regulated in Law no. 23 of 2002 concerning Child Protection and its amendments, namely Law no. 35 of 2014 concerning Amendments to Law no. 23 of 2002 concerning Protection.

Restitution or the form of compensation from the perpetrator to the victim of sexual violence is generally determined directly by the judge in a court decision. This means that in a court decision regarding sexual violence against children there is also a determination of restitution contained in the court decision. Referring to Article 71D paragraph (1) of the PA Amendment Law, it is emphasized that restitution for children as victims of crime is part of children's rights which it is the obligation of the perpetrator of the crime to provide. Furthermore, Article 59 paragraph (2) states that legal protection for children through restitution is actually a form of providing legal protection for children who are in conflict with the law. In Article 71D paragraph (2) of the PA Amendment Law, it is also emphasized that the implementation of restitution for children is further regulated in Government Regulations.

The PP which regulates the implementation of restitution for children is actually regulated in PP No. 43 of 2017 concerning the Implementation of Restitution for Child Victims of Crime. In Article 2 paragraph (2) letter f PP Restitution, it is emphasized that one of the categorizations of children who receive restitution is children who are victims of sexual crimes. Article 3 PP Restitution confirms that restitution for child victims of criminal acts includes: compensation for loss of wealth, compensation for suffering as a result of criminal acts, and/or compensation for medical and/or psychological costs as implications of criminal acts<sup>[3]</sup>. Regarding the application for restitution, Article 4 of the PP on Restitution emphasizes that restitution is submitted by the victim who may include: the child's parents/guardians, the child's heirs, and people authorized by the child's parents/guardians.

Article 29A Law no. 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims also confirms that the provision of restitution to child victims of criminal acts is also facilitated and protected by the Witness and Victim Protection Agency (hereinafter referred to as LPSK) after obtaining parental permission/guardian. Article 29A paragraph (3) of the Witness and Victim Protection Law confirms that the protection provided by the LPSK, especially in relation to restitution, must obtain a determination from the Head of the local Court. In fact, the Witness and Victim Protection Law also mandates that if restitution has not been given when the court decision is read, restitution can be sought after the court decision is pronounced<sup>[4]</sup>.

Referring to the various provisions in the laws and regulations above, it can be concluded that providing restitution for child victims of sexual violence must actually be submitted by the victim, who in this case can be represented by a parent or guardian. In practice, requests for

restitution are also facilitated by LPSK, especially regarding the amount and type of restitution requested<sup>[5]</sup>. The practice of providing restitution refers to several court decisions, there is an important role for prosecutors in carrying out charges by stating a request for restitution. The important role of prosecutors in seeking restitution requests through the indictment process can actually be seen in the four court decisions that are the focus of this research, namely: First, Decision No.xxxxx of the Lubuklinggau District Court. The case in this decision relates to threats against children to commit sexual violence carried out by the defendant as an educator (in this case the Koran teacher).

Lubuklinggau District Court Decision No. xxxxx decided that the defendant was sentenced to prison for 9 years and 6 months and a fine of Rp. 500,000,000.00 (five hundred million rupiah) with the provision that if the fine was not paid, it would be replaced by imprisonment for 6 months. In this decision there is no punishment related to providing restitution for child victims of sexual violence. This is because in one of the legal considerations the judge stated that, "Considering that at the trial there was no request for restitution to the court whether submitted by the victim, or through the LPSK, investigator and public prosecutor." It is understandable why Decision No. From Decision No. month. This shows that the defendant was not subject to additional crimes other than these criminal sanctions.

Second, namely the Decision of the South Jakarta District Court No. 159/Pid.Sus/2023/PN JKT.SEL. The case in this decision relates to placing or allowing children to be involved in sexual exploitation. Based on this case, the defendant named Rahmat Fadelin received a criminal sanction, namely imprisonment for 4 years and a fine of Rp. to. Apart from that, there are other sanctions, namely the defendant's obligation to provide restitution to the victim, namely Rp. 20,175,000,- (twenty million one hundred and seventy five rupiah). The restitution charged to the defendant was actually also charged by the prosecutor in his indictment, while the calculation of the amount of restitution followed the recommendations of the Witness and Victim Protection Agency (LPSK). The request for restitution was granted with reference to South Jakarta District Court Decision No. 159/Pid.Sus/2023/PN JKT.SEL. Based on South Jakarta District Court Decision No. 159/Pid.Sus/2023/PN JKT.SEL, it can be concluded that children as victims of sexual violence only get rights in the form of giving restitution and have not accommodated giving other rights apart from giving restitution.

Third, Bale Bandung Court Decision Class 1A No. Pid.Sus/2023/PN Blb. The case in this decision is related to violence to force a child to have sexual intercourse. In this case, the defendant received a prison sentence of 13 (thirteen) years and a fine of Rp. 1,000,000,000 (one billion rupiah) with the provision that if the fine is not paid it will be replaced by imprisonment for 1 month. Apart from that, the Bale Bandung Class 1A Court Decision No. Pid.Sus/2023/PN Blb also decided that the defendant was obliged to pay restitution

<sup>3</sup> Jerico Mathias and Rosamine Blessica, "Hate Speech and the Freedom Discourse," *Indonesia Media Law Review* 1, no. 1 (2022): 1–22, <https://doi.org/10.15294/imrev.v1i1.56673>.

<sup>4</sup> Ahmad Jamaludin, "Penerapan Keadilan Restoratif Bagi Pelaku Tindak Pidana Dalam Penegakan Hukum Dikejaksaan," *Jurnal Pemuliaan Hukum* 4, no. 2 (2021): h.1–26, <https://doi.org/10.30999/jph.v4i2.1453>.

<sup>5</sup> Joice Soraya, *Viktimologi: Kajian Dalam Perspektif Korban Kejahatan* (Malang: MNC Publishing, 2022).h.11.

to the first victim in the amount of Rp. 5,153,000,- (five million one hundred and fifty three thousand rupiah) and the second victim in the amount of Rp. 3,985,000,- (three million nine hundred eighty-five thousand rupiah) in accordance with the Witness and Victim Protection Agency (LPSK) Letter dated August 1 2023 Number: S-2387/5.1.HSHP/LPSK/8/2023. Referring to the Bale Bandung Class 1A Court Decision No. Pid.Sus/2023/PN Blb, it can be seen that the request for restitution has actually been included in the Prosecutor's indictment and the request for restitution has been granted by the Panel of Judges through the Bale Bandung Class 1A Court Decision No. Pid.Sus/2023/PN Blb. From the Bale Bandung Court Decision Class 1A No. Pid.Sus/2023/PN Blb, it can be concluded that children as victims of sexual violence only get rights in the form of giving restitution and have not accommodated giving other rights apart from giving restitution.

Fourth, Depok District Court Decision No. 473/Pid.Sus/2020/PN.Dpk. The case in this decision is related to a criminal act, namely persuading a child to commit obscene acts several times. From this case, the defendant named Martinus Marbun Alias Kaka Ai received a prison sentence of 15 years, and a fine of IDR 200,000,000 (two hundred million rupiah), with the provisions that if the fine was not paid it was replaced by imprisonment for 3 months and The defendant was sentenced to pay restitution to the victim's child Isaiah Jonaya Gabriel in the amount of Rp. 6,524,000,- (six million five hundred twenty four thousand rupiah) with the provisions that if the restitution was not paid, it would be replaced by imprisonment for 3 (three) months and payment of restitution to victim's child Basilius Andrew amounting to Rp. 11,520,639,- (eleven million five hundred twenty thousand six hundred thirty nine rupiah) with the provision that if restitution is not paid it will be replaced by imprisonment for 3 (three) months. Referring to Depok District Court Decision No. 473/Pid.Sus/2020/PN.Dpk, it can be seen that regarding the request for restitution submitted by the Prosecutor through an indictment dated 10 September 2020 Reg. Case Number PDM-58/Depok/09/2020 and then granted by the Panel of Judges at Depok District Court No. 473/Pid.Sus/2020/PN.Dpk. From Depok District Court Decision No. 473/Pid.Sus/2020/PN.Dpk, it can be concluded that children as victims of sexual violence only get rights in the form of giving restitution and have not accommodated giving other rights apart from giving restitution.

From the four cases above, it can be seen that not all of the three court decisions above provide restitution for child victims of sexual violence. In the South Jakarta District Court Decision No. 159/Pid.Sus/2023/PN JKT.SEL, Bale Bandung Class 1A Court Decision No. Pid.Sus/2023/PN Blb, and Depok District Court Decision No. 473/Pid.Sus/2020/PN.Dpk provides restitution for child victims of sexual violence because it has been requested by the prosecutor in his indictment. However, in Decision No.

Based on the four decisions above, there are problems related to the implementation of restitution for child victims of sexual violence, which in certain cases was given while in other cases it was not given because it was not requested by the victim, LPSK, or the Public Prosecutor. From these problems, there are interesting legal issues to be analyzed, namely 1. Does the right to obtain restitution for child victims of sexual violence fulfill legal certainty? 2. Does restitution as a form of criminal responsibility for perpetrators towards child victims of sexual violence fulfill children's rights? victims of sexual violence?, and 3. What are the future arrangements for providing restitution that fulfills the rights of children who are victims of sexual violence?

### Research Methodology

The type of research in this research is juridical-normative legal research. Juridical-normative legal research is legal research that has the aim of analyzing legal science problems from the "internal" aspect of legal science itself<sup>[6]</sup>. Apart from that, juridical-normative legal research also seeks to find coherence between legal principles, legal theory, legal concepts and statutory regulations<sup>[7]</sup>. There are three problem approaches used in this research, namely: statutory approach, conceptual approach, and case approach.

### Discussion

#### 1. Legal certainty of the right to obtain restitution for child victims of sexual violence

Children are actually a legacy of the country and civilization, which means that children will be the next generation of the country and civilization to come<sup>[8]</sup>. This emphasizes that the future of civilization and the nation in the future is determined by today's children. Therefore, one form of investment in shaping a great civilization and nation in the future is to educate and fulfill children's rights as well as possible. This also means that today it is the children's shoulders to preserve, protect and develop the country's wealth and future struggles. Therefore, children must be physically and spiritually healthy so that they can grow and develop in harmony with their rights.

Every child basically has to be looked after and protected, including the right to receive teaching and love from adults, so that their physical, mental, social and spiritual needs are well guaranteed. All children have the right to be protected from physical or psychological violence<sup>[9]</sup>. Therefore, protecting children today is actually the same thing as protecting the future continuity of families, communities, nations and states<sup>[10]</sup>. The importance of the child's position then means that the state must facilitate the child's future, one of which is by making efforts to emphasize and protect children's rights.

The affirmation of children's rights in the human rights chapter in the 1945 Constitution of the Republic of Indonesia is actually interesting because the framers of the constitution had an orientation to pay more attention to children's rights. Placing children's rights within the framework of human

<sup>6</sup> Irwansyah, *Penelitian Hukum: Pilihan Metode Dan Praktik Penulisan Artikel*, 3rd ed. (Yogyakarta: Mira Buana Media, 2020).h.5.

<sup>7</sup> Peter Mahmud Marzuki, *Penelitian Hukum*, 13th ed. (Jakarta: Kencana, 2017).h.16.

<sup>8</sup> Siti Nurjanah, "Keberpihakan Hukum Islam Terhadap Perlindungan Anak," *Al-Adalah* 14, no. 2 (2018): 391, <https://doi.org/10.24042/adalah.v14i2.2905>.

<sup>9</sup> Michael Freeman Martin D. Ruck, Michele Peterson-Badali, *Handbook of Children's Rights: Global and Multidisciplinary* (New York: Routledge, 2016).

<sup>10</sup> Arief Gosita, "Pengembangan Aspek Hukum Undang-Undang Peradilan Anak Dan Tanggung Jawab Bersama," *Seminar Nasional Perlindungan Anak* (Bandung, 1996).

rights actually confirms that children's rights are a species of human rights so that the state is obliged to protect, fulfill and guarantee the fulfillment of children's rights <sup>[11]</sup>. The guarantee of children's rights expressively stated in Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia actually mandates two substances of children's rights, namely: first, relating to the right to live, grow and develop. The right to live, grow and develop for children is an important thing because a child's future is shaped by how the child lives, grows and develops so the role of parents and the state is important so that the child's right to live, grow and develop can be fulfilled <sup>[12]</sup>.

Second, children have the right to be free from torture and discrimination. In practice, children are often exploited for economic interests and other aspects, so children need to receive confirmation in the form of legal protection guaranteed by the state <sup>[13]</sup>. This is especially true for the right to torture, which is often carried out by parents on the grounds that the child is the "property" of the parent so that the parent is deemed to be able to do whatever they want to their child, including committing violence <sup>[14]</sup>. The affirmation of children's rights to be free from torture as normed in Article

28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia actually emphasizes that children "belong to civilization and humanity" so that parents cannot go around as they please, even to the point of violating children's rights. Furthermore, regarding the child's right not to be discriminated against, it is related to the child's right to obtain equal rights without certain distinctions that are discriminatory in nature <sup>[15]</sup>.

Often children experience forms of violence during their growth period, such as physical violence, emotional and verbal violence, language (psychological/abuse), sexual (sexual violence), negligence or abandonment and abandonment, or torture. Cases of child violence are a matter of shared concern and responsibility between the state, society and the children's parents. This is because acts of child violence are often carried out by those closest to the child, one of which is parents and teachers. Child violence in Indonesia can be said to always be increasing or at least the number of acts of child violence tends to stagnate per year, which means that the number of acts of child violence in Indonesia can still be said to be quite large. See table below:

**Table 1:** Number of violence against children in the Period 2017-2021

No	Tahun	Jumlah Kekerasan Pada Anak
1.	2017	2.737
2.	2018	4.885
3.	2019	4.369
4.	2020	4.116
5.	2021	11.952

**Source:** Data from the National Commission for Child Protection <sup>[16]</sup>

From the data above, it can be seen that there is a trend of stagnation or relatively stable numbers related to violence against children from 2018 to 2020. In 2021, the number of cases of violence against children will increase threefold, which in 2020 was 4,116 cases in 2020. 2021 will be 11,952 cases. The KPAI Annual Report above is reinforced by data from the Indonesian National Police that the number of violence against children in 2022 will reach 25,321 cases, while in 2021 it will reach 27,380 cases <sup>[17]</sup>. Even though the data in 2022 tends to decrease, the data still shows that there is still a lot of violence against children in Indonesia. At the beginning of 2023, data from the Ministry of Women's Empowerment and Child Protection (Kemenppa) stated that as of early January 2023, there were 2,383 cases of violence against children in Indonesia with 371 victims being boys and 2,180 victims being girls <sup>[18]</sup>.

From the table of violence against children above, one of the

things that occurs massively in practice is related to sexual violence against children. Sexual violence that occurs among children today is the impact of the development of the modern world, the internalization of capital in the modern era is no longer solely characterized by increased exchange of material commodities. Capital exchange, this is precisely what is most important, has also penetrated the world of information and entertainment. This last point is very important to highlight because it has the dimension of human rights violations because it involves children.

The entertainment industry grew to serve social classes who had free time, free use of their time and money. The presence of a social class that needs free time has grown the entertainment industry, including the sex industry involving children disguised behind the tourism industry, a sexual commodity worth billions of dollars every year. Adventurers with free time and money always want to try new and exotic

<sup>11</sup> Syaiful Munandar, "Pelaksanaan Perlindungan Hukum Terhadap Hak Anak Yang Berkonflik Dengan Hukum Pada Tahap Penyidikan Dalam Sistem Peradilan Pidana Anak (Studi Di Wilayah Hukum Polresta Padang)," *Pagaruyuang Law Journal* 2, no. 1 (2018): 42–63.

<sup>12</sup> Budiyo Budiyo and Siti Ngainur Rohmah, "Analisis Tindakan Aborsi Terhadap Undang-Undang Nomor 39 Tahun 1999 Tentang Hak Asasi Manusia," *SALAM: Jurnal Sosial Dan Budaya Syar-I* 7, no. 9 (2020): 801–12, <https://doi.org/10.15408/sjsbs.v7i9.16593>.

<sup>13</sup> Andi Muhammad Sofyan and Andi Tenripadang, "Ketentuan Hukum Perlindungan Hak Anak Jalanan Bidang Pendidikan," *Jurnal Syari'ah Dan Hukum Diktum* 15, no. 2 (2017): 229–46.

<sup>14</sup> B. Muhaemin, "Prinsip-Prinsip Dasar Tentang Hak Perlindungan Anak (Tinjauan Quranik, Quranik, Hadis, Dan Hukum Positif)," *Jurnal Hukum Diktum* 14, no. 1 (2016): 77–87.

<sup>15</sup> Muhammad Joni, *Aspek Hukum Perlindungan Anak Dalam Perspektif Konvensi Hak Anak* (Bandung: Citra Aditya Bakti, 1999).

<sup>16</sup> Kementerian PPPA, "Angka Kekerasan Terhadap Anak Sepanjang 2021 Menurun" ([www.kemenpppa.go.id](http://www.kemenpppa.go.id), 2022), <https://www.kemenpppa.go.id/index.php/page/read/29/3610/angka-kekeraan-terhadap-anak-sepanjang-2021-menurun> (Diakses Pada Tanggal 22 Januari 2023).

<sup>17</sup> Noverius Laoli, "Polri Catat Terjadi 11.012 Kasus Kekerasan Pada Anak Sepanjang 2022" ([nasional.kontan.co.id](http://nasional.kontan.co.id), 2022), <https://nasional.kontan.co.id/news/polri-catat-terjadi-11012-kasus-kekeraan-pada-anak-sepanjang-2022> (Diakses Pada Tanggal 7 Februari 2023).

<sup>18</sup> Kementerian Pemberdayaan Perempuan dan Perlindungan Anak, "Kasus Kekerasan Terhadap Anak Di Indonesia 2023" ([kekeraan.kemenpppa.go.id](http://kekeraan.kemenpppa.go.id), 2023), <https://kekeraan.kemenpppa.go.id/ringkasan> (Diakses Pada Tanggal 2 Februari 2023).



things. The growth of this industry has had a very insulting impact on human dignity, especially children, where child prostitution has grown. In various ways, young children, both men and women, are forced to work in prostitution practices under the guise of the tourism industry. There are various jobs they have to do, such as being hostesses, receptionists, child prostitutes and various other jobs.

The commercialization of children in the sex industry is also an important issue that is rarely touched upon. David Brasil once said that one of the centers of child prostitution in Indonesia that is well known internationally is Batam and Bintan, these two places are well known as "love villages" and "chicken farms" which are visited every day by Singaporean men who spend their dollars on sexual pleasure [19]. In these two areas it is very easy to find entertainer girls which in Singapore itself is difficult to find.

The rise of acts of violence is closely related to the aggressive nature of living creatures, including humans, to defend themselves in order to survive. Violence is simply defined as the discomfort experienced by a person as a result of aggressive behavior as an outlet for the urge of conscience to hurt and injure someone, violence is an effort to commit a criminal act, definitions of violence terminologically and theoretically are very diverse, one of which is a behavior aggressive behavior carried out by someone towards another person intentionally to cause the victim to experience physical and emotional suffering. In general, aggressive actions can be described as an outlet for instinctual drives to successfully hurt or injure another party who is the target. The success of this action automatically results in the reduction of the driving force. From this, a theory of violence emerged, namely the aggressive-frustration theory, which explains that there is a direct regulation between the degree of behavioral frustration experienced by a person and the emergence of a tendency to behave aggressively [20].

If the level of aggressiveness is directly linked to the degree of frustration, then the behavior that can be classified becomes very broad because it not only causes human casualties but also property. Meanwhile, according to this theory, violent acts are generally the result of a learning process from individual interactions with their social environment, including the family environment [21]. In reality, family togetherness is the child's first and foremost social environment.

Threatening behavior is much more prominent than overt violence, and defensive violence is much more prominent than aggressive violence. Threatening behavior communicates to others an intent to use overt violence if necessary. People who make threats actually do not intend to commit violence, people only believe in the truth of the threat and the threatener's ability to carry out the threat. By threatening, there is less control over the other person. Threats are considered a form of violence, an important element of strength, the ability to realize one's desires even in the face of opposing desires. Threats are more effective if a person demonstrates a desire

to carry out the threat.

The victim must also receive compensation to recover what has been taken by the perpetrator, one of which is in the form of recovery through restitution, while the definition of restitution according to Law Number 12 of 2022 concerning Crimes of Sexual Violence is payment of compensation charged to the perpetrator or third party based on a court ruling or decision that has permanent legal force, regarding material and/or immaterial losses suffered by the victim or heirs. Meanwhile, if the perpetrator is an incapacitated person, compensation will be borne by the State which is called Compensation. Legal certainty in written law provides confirmation that written law must be firm and clear and not multi-interpretable or ambiguous in meaning.

## **2. Restitution as a form of criminal responsibility for perpetrators in the context of fulfilling the rights of children who are victims of sexual violence**

Children's rights have actually been confirmed in various legal instruments, both national and international. The Convention on the Rights of the Child, approved by the United Nations General Assembly on 20 November 1989 [22]. This Convention provides protection for children's rights and requires every country to recognize and guarantee that every child has the inherent right to life. Convention on the Rights of The Child or Convention on the Rights of the Child which aims to provide protection for children and uphold children's rights throughout the world. The Convention on the Rights of the Child is a document created by the UN, officially giving rights to children throughout the world. This document has been approved by almost all leaders of countries in the world, including Indonesia, which signed it in 1996. In the Convention on the Rights of The Child, there are 54 Articles of the Convention on the Rights of the Child which are divided into four parts, namely: Foreword or the Preamble which contains the context of the Convention on the Rights of the Child Part One (Articles 1-41) which regulates children's rights. Part Two (Articles 42-45) regulates monitoring and implementation of the Convention on the Rights of the Child. Part Three (Articles 46-54) regulates the issue of enforcing the convention.

Categories of the Convention on the Rights of the Child Children's rights according to the Convention on the Rights of the Child are grouped into four categories, as follows, namely:

1. The right to survival is the child's right to maintain life and receive a good standard of health and care. The right to survival also gives children the right to know about their family and identity. This right can be obtained by children from their parents, family or adults who care for them
2. Protection Rights, which means that children have the right to self-protection from violence, neglect, exploitation and discrimination. This right allows children to carry out various religious and cultural

<sup>19</sup> Maryamul Chumairo, Novita Dewi Masyithoh, and Arina Hukmu Adila, "Criminal Policy for Users of Services Prostitution to Achieve Substantial Justice," *Walisongo Law Review (Walrev)* 3, no. 1 (2021): 111–34, <https://doi.org/10.21580/walrev/2021.3.1.9074>.

<sup>20</sup> Salsabila Rizky Ramadhani and R Nunung Nurwati, "Dampak Traumatis Remaja Korban Tindakan Kekerasan Seksual Serta Peran Dukungan Sosial Keluarga," *Share: Social Work Journal* 12, no. 2 (2023): 131, <https://doi.org/10.24198/share.v12i2.39462>.

<sup>21</sup> T Heru Nurgiansah and Sigit Handoko, "The Role of Cyber Crime Polda DIY in the Fight Against Online Prostitution," *Proceedings UPY International Conference on Applied Science and Education* 2, no. 1 (2021): 1–5.

<sup>22</sup> Kementerian PPPA, *Modul Dasar Pelatihan Konvensi Hak Anak Dalam Pencegahan Dan Penanganan Kekerasan Dan Eksploitasi Terhadap Anak: Bagi Penyedia Layanan Dan Aparat Penegak Hukum* (Jakarta: Kementerian PPPA, 2019).

activities freely. This right to protection also includes protection for children when children become victims of sexual violence. This confirms that providing restitution for children who are victims of sexual violence is actually part of the right to protection.

3. The right to growth and development, namely children's rights which emphasize that children have the right to receive education to achieve a decent standard of living. A decent standard of living includes mental, physical, spiritual, social and moral development. With this right, children have the right to study at school, play and rest. Children also have the right to obtain adequate housing and food and drink to support their growth and development.
4. The right to participate whose orientation is to provide opportunities for children to express opinions freely in accordance with their lives as children. Children also have the right to receive information appropriate to their age. Apart from that, children also have the right to express opinions on all matters that affect children.

Indonesia has actually ratified the convention on children's rights in Presidential Decree Number 36 of 1990 concerning Ratification of the Convention on the Rights of the Child. Indonesia has provided protection for human rights in Articles 27 to 34 of the 1945 Constitution. Article 28 B of the 1945 Constitution states that every child has the right to survival and the right to protection from violence and discrimination. Children can become victims of a crime. Children as victims of criminal acts in criminal justice based on Law Number 8 of 1981 concerning Criminal Procedure Law do not receive protection. The Criminal Procedure Code provides protection for victims through lawsuits for the losses they suffer. According to Rena Yuian, the position of victims is not explicitly regulated in the Criminal Procedure Code, except for victims who also act as witnesses, so that the provisions and guarantees of protection given to victims who are also witnesses in every criminal justice process have not received attention<sup>[23]</sup>.

Regulations regarding victim protection are found in Law Number 13 of 2006 concerning Witness and Victim Protection. In 2014 this law was amended by Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims (abbreviated as UUPSK) which in Article 4 UUPSK stipulates that the protection of witnesses and victims aims to provide a sense of security to witnesses and/or victims in providing information in any criminal justice process. Furthermore, in Article 5 paragraph 1 letter a of the UUPSK, it is stated that one obtains protection for the security of one's person, family and property, and is free from threats regarding the testimony one will, is or has given.

Meanwhile, UUPSK regulates the protection of witnesses and/or victims, both victims who are also witnesses, victims who are not witnesses and also their family members. Thus, guarantees of protection for victims of criminal acts and especially for victims of serious human rights violations are regulated in accordance with the provisions of UUPSK and

other implementing regulations such as Government Regulation Number 44 of 2008 concerning Providing Compensation, Restitution and Assistance to witnesses and victims. As Bambang Waluyo said, victims sometimes act or are used as witnesses in court. Such witnesses are usually incriminating witnesses who corroborate the claims and court decisions.

According to the United Nations Declaration on the Prosecution and Assistance of Crime Victims in point 4 Part I General Principles, losses suffered by victims of criminal acts can be sought for compensation as one of the rights of victims of criminal acts in the form of *the return of stolen property, monetary payment for loss, damages, personal injury and psychological trauma, payment for suffering, and service to the victim. Reparation should be encouraged by the correctional process*<sup>[24]</sup>. Regarding children's rights as victims of sexual violence, this has actually been regulated in Law Number 12 of 2022 concerning Crimes of Sexual Violence. Article 66 paragraph (1) Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence. Victims are guaranteed their rights from the moment a sexual violence incident occurs, including treatment, protection and recovery. As for Article 66 paragraph (2) of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence, it specifically regulates that victims of disabilities have the right to accessibility and accommodation in order to fulfill their rights.

Article 68 of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence explains that victims of sexual violence have the right to treatment, namely:

1. The right to information regarding the entire process and results of Treatment, Protection and Recovery;
2. The right to obtain documents resulting from handling;
3. The right to legal services;
4. The right to psychological empowerment;
5. The right to health services includes examinations, procedures and medical treatment.

Apart from that, victims have the right to services and facilities in accordance with the victim's specific needs and the right to the removal of sexually charged content in cases of sexual violence using electronic media. Referring to the various provisions in the laws and regulations above, it can be concluded that providing restitution for child victims of sexual violence must actually be submitted by the victim, who in this case can be represented by a parent or guardian. In practice, requests for restitution are also facilitated by LPSK, especially regarding the amount and type of restitution requested. Restitution is actually important for victims of criminal acts, this is because the victim as the party who suffers and is harmed as a result of criminal law violations is usually only involved to the extent of providing testimony as a victim witness.

As a result, victims often feel dissatisfied with the criminal charges submitted by the Public Prosecutor and/or the decision handed down by the Judge because they are deemed not to be in accordance with the victim's values of justice. This is because the criminal justice system is organized to try

<sup>23</sup> Joni, *Aspek Hukum Perlindungan Anak Dalam Perspektif Konvensi Hak Anak*.

<sup>24</sup> Irhamudin Irhamudin and Ibrahim Fikma Edrisy, "Restorative Justice in the Implementation of Diversion Against Child Criminal Victims,"

*Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 22, no. 2 (2022): 223–38, <https://doi.org/10.19109/nurani.v22i2.11501>.

perpetrators of criminal acts, not to serve the interests of victims of criminal acts, because criminal acts are acts of the perpetrator against the state. The existence of the criminal justice system is aimed at the interests of the state and society, not for the personal interests of citizens. This causes the losses resulting from criminal acts suffered by victims of criminal acts to be a disaster that must be borne by the victims themselves because it is not the function of the criminal justice system to bear them.

One form of compensation for victims of criminal acts is restitution. Restitution in accordance with the principle of restoration to its original state (*restitutio in integrum*) is an effort to ensure that victims of crime must be returned to their original condition before the crime occurred, even though it is based on the fact that it is impossible for the victim to return to their original condition<sup>[25]</sup>. This principle emphasizes that the form of recovery for victims must be as complete as possible and cover various aspects arising from the consequences of the crime. With restitution, victims can be restored to their freedom, legal rights, social status, family life and citizenship, returned to their place of residence, their job restored, and their assets restored.

In practice, in almost many countries, the concept of restitution has been developed and given to crime victims for their suffering as victims of criminal acts. In this concept, the victim and his family must receive fair and appropriate compensation from the guilty person or the third party responsible. This compensation will include the return of property or payment for damage or loss suffered, compensation for costs incurred as a result of casualties, provision of services and rights of recovery.

However, it turns out that there are many problems in implementing the provisions on compensation for victims of criminal acts, both those regulated in the Criminal Procedure Code and the Witness and Victim Protection Law. This paper aims to conduct a study of several problems that arise in connection with the provisions of compensation in the form of restitution for victims of criminal acts and to offer a concept of a new mechanism regarding requests for restitution submitted by victims of criminal acts, which adopts various provisions regarding restitution from various laws and regulations an invitation that is considered ideal for the victim.

Restitution for victims of criminal acts is actually an important aspect of legal modernization in the criminal justice system, namely the introduction of the concept of restorative justice. The concept of restorative justice is actually an effort to bring harmonization between the perpetrator and the victim regarding a criminal act so that the community around the crime can be resolved amicably and appropriate compensation can be given<sup>[26]</sup>. Even though the concept of restorative justice developed in Western Europe and America, if you look at it and refer to its implementation, it has actually been carried out by Indonesian society non-

formally based on the laws that apply in society<sup>[27]</sup>.

This can be seen, for example, in positive criminal law in Indonesia, especially at the legal level where the concept of restorative justice is not recognized. The criminal justice system in force in Indonesia is regulated regarding the resolution of a criminal case starting with inquiry and investigation, indictment, criminal prosecution and punishment and imprisonment, which is regulated in the Criminal Procedure Code. If the provisions in the Criminal Procedure Code are violated, they can cause juridical implications for the law enforcement process, such as illegal investigations, unclear charges, insufficient evidence and court decisions that are not in accordance with the community's sense of justice. The aim to be achieved in this series is to impose criminal sanctions on perpetrators in the form of punishment.

The concept of restorative justice which has not been accommodated in the Criminal Procedure Code is actually problematic in itself, especially related to its application in society. This was emphasized by Satjipto Raharjo that resolving cases through the judicial system which culminates in a court verdict is slow law enforcement<sup>[28]</sup>. The implications of the slow nature of law enforcement are not only related to legal certainty but also include the burden of law enforcement costs which are said to be more expensive when referring to law enforcement in the Criminal Procedure Code. This is because law enforcement takes a long distance, through various levels starting from the Police, Prosecutor's Office, District Court, High Court and even to the Supreme Court, which ultimately has an impact on the accumulation of quite a number of cases in court. So far, law enforcement, through the criminal justice system, has received very sharp criticism, both from practitioners and legal theorists because the role and function of the judiciary is currently considered to be overloaded, slow and a waste of time, and expensive, less responsive to public interests, and considered too formalistic and too technical, especially since there is a "judicial mafia" which seems to indicate that judges' decisions can be bought<sup>[29]</sup>.

The concept of restorative justice as an alternative in law enforcement has become a popular alternative in various parts of the world for handling unlawful acts (against the law in the formal sense) because it offers a comprehensive and effective solution. This can even be proven by the application of restorative justice in various countries in the world. In this case, the orientation of the implementation of restorative justice in Indonesia, especially its formulation in the Criminal Procedure Code, is important so that restorative justice can become part of the criminal justice system in Indonesia in an optimal and comprehensive manner. In this case, there needs to be a new breakthrough offered to achieve a sense of justice in deciding cases, namely by implementing the concept of restorative justice.

<sup>25</sup> Mahmutarom HR Warijan, Anis Mashduroatun, "Restorative Justice Policy In The Case Of Children Involved In Criminal Acts," *International Journal of Business, Economics and Law* 26, no. 1 (2022): 173–78.

<sup>26</sup> Zul Afiff Senen, "Rekonseptualisasi Penegakkan Hukum Terhadap Pelaku Dan Korban Undang-Undang Informasi Dan Transaksi Elektronik Berbasis Restorative Justice," *Lex Renaissance* 6, no. 2 (2021): 266–69.

<sup>27</sup> Iklimah Dinda Indiyani Adiasta, "Penerapan Restorative Justice Sebagai Inovasi Penyelesaian Kasus Tindak Pidana Ringan," *Interdisciplinary Journal on Law, Social Sciences and Humanities* 2, no. 2 (2021): 146.

<sup>28</sup> Muhammad Harun, "Philosophical Study of Hans Kelsen 's Thoughts on Law and Satjipto Rahardjo 's Ideas on Progressive Law," *Walisongo Law Review (Walrev)* 1, no. 2 (2019): 195–220, <https://doi.org/10.21580/Walrev.2019.1.2.4815>.

<sup>29</sup> Maruapey M Husein, "Penegakan Hukum Dan Perlindungan Negara," *Jurnal Ilmu Politik Dan Komunikasi* VII, no. 1 (2017): 21–30.

### 3. Future arrangements for providing restitution that fulfills the rights of children who are victims of sexual violence

Violence against children is an act of abuse or mistreatment of children in the form of physical, emotional, sexual harm, neglect of care and exploitation for commercial interests which, whether real or not, can endanger their health, survival, dignity or development. Violence against children is also called child abuse, namely all forms of violence against children carried out by those who should be responsible for the child or those who have power over the child, who should be trusted, for example parents, close family and teachers<sup>[30]</sup>. Sexual violence is any type of sexual activity with children. Sexual violence is divided into:

1. Non-contact sexual violence such as seeing sexual violence/activities, being forced to engage in sexual activities and sending photos/videos/texts of sexual activities, and
2. Contact sexual such as touching, being asked to have sex, being forced to have sex, and having sex under pressure. Children who experience sexual violence experience serious psychological and physical impacts on the child<sup>[31]</sup>.

From the various physical and psychological impacts of sexual violence against children above, it can be understood that sexual violence against children does not only occur in poor families or in bad environments. This phenomenon can occur in all racial, economic, and cultural groups. Even in families that appear harmonious, domestic violence can occur in children. Based on data from the Department of Health, the majority of perpetrators of violence against children are family members or other people close to the family. In various court decisions, the existence of severe impacts, both physical and psychological, is an important consideration for judges in making decisions regarding restitution.

It can be seen that the three court decisions above do not all provide restitution for child victims of sexual violence. In the South Jakarta District Court Decision No. 159/Pid.Sus/2023/PN JKT.SEL, Bale Bandung Class 1A Court Decision No. Pid.Sus/2023/PN Blb, and Depok District Court Decision No. 473/Pid.Sus/2020/PN.Dpk provides restitution for child victims of sexual violence because it has been requested by the prosecutor in his indictment. However, in Decision No restitution

The judge should have informed the victim of the right to restitution, but there was no effort to apply for restitution, including no attempt by the public prosecutor to include a request for restitution in the criminal complaint. Article 8 paragraph (11) Perma no. 1 of 2022 concerning Procedures for Completing Applications and Providing Restitution and Compensation to Crime Victims, namely that: The judge then examines the restitution application file and gives a legal assessment of the evidence submitted and considers it in the decision which must include:

1. A statement of whether it is accepted or not request for restitution;
2. Reasons for accepting or rejecting either part or all of the

request for restitution; and

3. The amount of restitution that must be paid by the defendant or the defendant's parents if the defendant is a child, and/or a third party. Referring to Ruling No.xxxx;

This confirms that the failure to provide restitution to child victims of sexual violence is in accordance with the provisions of Perma No. 1 of 2022 concerning Procedures for Completing Applications and Providing Restitution and Compensation to Victims of Crime.

The provision of restitution in cases of sexual violence against children above also actually refers to the physical and psychological impacts received by children as victims of criminal acts of sexual violence. Even so, there is a problem that there is no guidance for judges regarding determining restitution based on mild, moderate, and severe impacts of sexual violence experienced by children. In fact, each sexual violence against children has different impacts according to the type of sexual violence committed. Therefore, the right solution is the need for guidelines for judges regarding guidelines for determining restitution based on mild, moderate, and severe impacts of sexual violence experienced by children by the Supreme Court through the formulation of Supreme Court Regulations.

The state's obligation to protect the rights of children, especially child victims of sexual violence, can actually be carried out through various aspects, such as policy formulation, confirmation in statutory regulations, and even through court decisions. Providing restitution as an effort to fulfill the rights of child victims of sexual violence, apart from being regulated by statutory regulations, also specifically emphasizes the role of the judiciary through its decisions to provide restitution for child victims of sexual violence. This emphasizes that the state must actually be present in efforts to guarantee the rights of children, especially children who are victims of sexual violence, through restitution. The presence of the state's role is intended so that in its implementation the provision of restitution for child victims of sexual violence can guarantee certainty and justice for child victims of sexual violence.

### Conclusion

The right to obtain restitution for child victims of sexual violence actually meets legal certainty. Even so, the payment of restitution does not yet meet the aspect of legal certainty because there is no confirmation regarding the obligation to pay restitution in the form of money, it is not clearly explained (*expressive verbis*) in various regulations related to restitution. Payment of restitution in the form of money is only seen in arrangements for providing compensation where non-cash payments are permitted so that, as an *argumentum a contrario*, payment of restitution for sexually abused children is only in the form of money.

Restitution as a form of legal accountability for perpetrators of criminal acts generally accommodates the rights of child victims of sexual violence which include:

1. The right to information regarding the entire process and results of treatment, protection and recovery,

<sup>30</sup> Remy M. Vink *et al.*, "Self-Reported Adverse Childhood Experiences and Quality of Life among Children in the Two Last Grades of Dutch Elementary Education," *Child Abuse & Neglect* 95 (September 2019): 104051, <https://doi.org/10.1016/j.chiabu.2019.104051>.

<sup>31</sup> Suci Amelia Harlen, "Pemenuhan Hak Santri Atas Kasus Pelanggaran Hak Asasi Manusia Oleh Oknum Pondok Pesantren," *Jurnal HAM* 13, no. 2 (2022): 199, <https://doi.org/10.30641/ham.2022.13.199-214>.



2. The right to obtain documents resulting from treatment,
3. The right to legal services,
4. The right to psychological strengthening,
5. The right to health services including examinations, procedures and medical treatment.

Even so, the problem with implementing restitution is related to children's rights, namely that restitution payments are only made in the form of money, which means there is no other alternative for paying restitution from perpetrators of criminal acts of sexual violence to children as victims of criminal acts of sexual violence.

Future arrangements for providing restitution in accordance with the rights of child victims of sexual violence need to be revised in Perma No. 1 of 2022 concerning Procedures for Settlement of Applications and Providing Restitution and Compensation to Victims of Crime by emphasizing the need for comprehensive legal considerations regarding the provision of restitution for child victims of sexual violence in court decisions as well as the need to revise various statutory regulations that discuss restitution for child victims sexual violence with the need to affirm other children's rights as a result of victims of criminal acts of sexual violence beyond the right to receive restitution in court decisions. This also includes the need to formulate Supreme Court Regulations (Perma) which can serve as guidelines for judges regarding guidelines for determining restitution based on mild, moderate and severe impacts of sexual violence experienced by children by the Supreme Court to ensure legal certainty while also orienting the provision of restitution based on the rights of children who are victims of sexual violence.

## References

1. Rahmansyah RA, Nabillah N, Nurjanah AS. Tindakan Hukum Terhadap Anak Sebagai Korban Pelecehan Seksual Yang Dilakukan Herry Wirawan. *Jurnal Indonesia Sosial Sains*. 2022;3(6):956-964. <https://doi.org/10.36418/jiss.v3i6.621>.
2. Prasetyo MA, Huda DAE. Penyadaran Kekerasan Seksual Di Sekolah: Implementasi Moderasi Beragama Dalam Pelajaran Pendidikan Agama Islam Di SMPN 1 Kalitidu, Bojonegoro. *Amorti: Jurnal Studi Islam Interdisipliner*. 2022;1(2).
3. Mathias J, Blessica R. Hate Speech and the Freedom Discourse. *Indonesia Media Law Review*. 2022;1(1):1-22. <https://doi.org/10.15294/imrev.v1i1.56673>.
4. Jamaludin A. Penerapan Keadilan Restoratif Bagi Pelaku Tindak Pidana Dalam Penegakan Hukum Dikejaksaan. *Jurnal Pemuliaan Hukum*. 2021;4(2):1-26. <https://doi.org/10.30999/jph.v4i2.1453>.
5. Soraya J. *Viktimologi: Kajian Dalam Perspektif Korban Kejahatan*. Malang: MNC Publishing; 2022.
6. Irwansyah. *Penelitian Hukum: Pilihan Metode Dan Praktik Penulisan Artikel*. 3rd ed. Yogyakarta: Mira Buana Media; 2020.
7. Marzuki PM. *Penelitian Hukum*. 13th ed. Jakarta: Kencana; c2017.
8. Nurjanah S. Keberpihakan Hukum Islam Terhadap Perlindungan Anak. *Al-'Adalah*. 2018;14(2):391. <https://doi.org/10.24042/adalah.v14i2.2905>.
9. Freeman M, Ruck MD, Peterson-Badali M. *Handbook of Children's Rights: Global and Multidisciplinary*. New York: Routledge; 2016.
10. Gosita A. Pengembangan Aspek Hukum Undang-Undang Peradilan Anak Dan Tanggung Jawab Bersama. In: *Seminar Nasional Perlindungan Anak*. Bandung; 1996.
11. Munandar S. Pelaksanaan Perlindungan Hukum Terhadap Hak Anak Yang Berkonflik Dengan Hukum Pada Tahap Penyidikan Dalam Sistem Peradilan Pidana Anak (Studi Di Wilayah Hukum Polresta Padang). *Pagaruyuang Law Journal*. 2018;2(1):42-63.
12. Budiyanto B, Rohmah SN. Analisis Tindakan Aborsi Terhadap Undang-Undang Nomor 39 Tahun 1999 Tentang Hak Asasi Manusia. *SALAM: Jurnal Sosial Dan Budaya Syar-I*. 2020;7(9):801-812. <https://doi.org/10.15408/sjsbs.v7i9.16593>.
13. Sofyan AM, Tenripadang A. Ketentuan Hukum Perlindungan Hak Anak Jalanan Bidang Pendidikan. *Jurnal Syari'ah Dan Hukum Diktum*. 2017;15(2):229-246.
14. Muhaemin B. Prinsip-Prinsip Dasar Tentang Hak Perlindungan Anak (Tinjauan Quranik, Quranik, Hadis, Dan Hukum Positif). *Jurnal Hukum Diktum*. 2016;14(1).
15. Joni M. *Aspek Hukum Perlindungan Anak Dalam Perspektif Konvensi Hak Anak*. Bandung: Citra Aditya Bakti; 1999.
16. Kementerian PPPA. *Angka Kekerasan Terhadap Anak Sepanjang 2021 Menurun*. Kementerian PPPA; 2022. <https://www.kemenpppa.go.id/index.php/page/read/29/3610/angka-kekerasan-terhadap-anak-sepanjang-2021-menurun> (accessed 2023 Jan 22).
17. Laoli N. Polri Catat Terjadi 11.012 Kasus Kekerasan Pada Anak Sepanjang; 2022. *Kontan*. 2022. <https://nasional.kontan.co.id/news/polri-catat-terjadi-11012-kasus-kekerasan-pada-anak-sepanjang-2022>.
18. Kementerian Pemberdayaan Perempuan dan Perlindungan Anak. *Kasus Kekerasan Terhadap Anak Di Indonesia 2023*. Kementerian PPPA; 2023. <https://kekerasan.kemenpppa.go.id/ringkasan>.
19. Chumairo' M, Masyithoh ND, Adila AH. Criminal Policy for Users of Services Prostitution to Achieve Substantial Justice. *Walisongo Law Review (Walrev)*. 2021;3(1):111-134. <https://doi.org/10.21580/walrev/2021.3.1.9074>.
20. Ramadhani SR, Nurwati RN. Dampak Traumatis Remaja Korban Tindakan Kekerasan Seksual Serta Peran Dukungan Sosial Keluarga. *Share: Social Work Journal*. 2023;12(2):131. <https://doi.org/10.24198/share.v12i2.39462>.
21. Nurgiansah TH, Handoko S. The Role of Cyber Crime Polda DIY in the Fight Against Online Prostitution. *Proceedings UPY International Conference on Applied Science and Education*. 2021;2(1):1-5.
22. Kementerian PPPA. *Modul Dasar Pelatihan Konvensi Hak Anak Dalam Pencegahan Dan Penanganan Kekerasan Dan Eksploitasi Terhadap Anak: Bagi Penyedia Layanan Dan Aparat Penegak Hukum*. Jakarta: Kementerian PPPA; 2019.
23. Widyaningsih ST. *Kajian Perlindungan Hukum Terhadap Data Pribadi Digital Anak Sebagai Hak Atas Privasi Di Indonesia*. *Nomos*. 2022;2(3).
24. Joni M. *Aspek Hukum Perlindungan Anak Dalam Perspektif Konvensi Hak Anak*.
25. Irhamudin I, Edrisy IF. *Restorative Justice in the Implementation of Diversion Against Child Criminal*

- Victims. *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat*. 2022;22(2):223-238. <https://doi.org/10.19109/nurani.v22i2.11501>.
26. Warijan MH, Mashduroatun A. Restorative Justice Policy In The Case Of Children Involved In Criminal Acts. *International Journal of Business, Economics and Law*. 2022;26(1).
  27. Senen ZA. Rekonseptualisasi Penegakkan Hukum Terhadap Pelaku Dan Korban Undang-Undang Informasi Dan Transaksi Elektronik Berbasis Restorative Justice. *Lex Renaissance*. 2021;6(2).
  28. Adiesta ID. Penerapan Restorative Justice Sebagai Inovasi Penyelesaian Kasus Tindak Pidana Ringan. *Interdisciplinary Journal on Law, Social Sciences and Humanities*. 2021;2(2).
  29. Harun M. Philosophical Study of Hans Kelsen's Thoughts on Law and Satjipto Rahardjo's Ideas on Progressive Law. *Walisongo Law Review (Walrev)*. 2019;1(2):195-220. <https://doi.org/10.21580/Walrev/2019.1.2.4815>.
  30. Husein MM. Penegakan Hukum Dan Perlindungan Negara. *Jurnal Ilmu Politik Dan Komunikasi*. 2017;7(1).
  31. Vink RM, *et al.* Self-Reported Adverse Childhood Experiences and Quality of Life among Children in the Two Last Grades of Dutch Elementary Education. *Child Abuse & Neglect*. 2019;95:104051. <https://doi.org/10.1016/j.chiabu.2019.104051>.
  32. Harlen SA. Pemenuhan Hak Santri Atas Kasus Pelanggaran Hak Asasi Manusia Oleh Oknum Pondok Pesantren. *Jurnal HAM*. 2022;13(2):199. <https://doi.org/10.30641/ham.2022.13>.