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Law Enforcement Against Perpetrators of Child Abuse from a Child Protection Perspective in Sorong City

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Abstract

This study aims to analyze the role and effectiveness of the UPTD-PPA in addressing criminal acts of violence against children in Sorong City, particularly regarding the imposition of sanctions on perpetrators and legal protection for victims. **The research method** used is an empirical legal approach with a qualitative descriptive research design, which involves examining applicable legal provisions and assessing their implementation in practice through field data, interviews, and documentary analysis. **The novelty of this study** lies in its focus on the implementation of Regional Regulation No. 5 of 2022 as the operational basis for the UPTD-PPA in Sorong City, a topic that has not been extensively examined in previous research. Furthermore, there is a gap between normative regulations and on-the-ground implementation, particularly regarding resource constraints, inter-agency coordination, and low community participation in reporting cases, as well as identifying implementation barriers that hinder the optimization of child protection. **Research findings** indicate that the UPTD-PPA has played an active role in providing legal and psychological support to child victims of violence; however, the enforcement of sanctions against perpetrators still faces challenges, such as resource constraints, suboptimal interagency coordination, and low public awareness regarding the reporting of violence cases. **Conclusion** This study confirms that the existence of the UPTD-PPA is a progressive step in child protection; however, strengthening coordination, resources, and public awareness is necessary to ensure that law enforcement and child protection can function optimally.

Keywords: Sanction Enforcement; Criminal Offenses; Violence Against Children.

Abstrak

Penelitian ini bertujuan *untuk menganalisis peran dan efektivitas UPTD-PPA dalam penanganan tindak pidana kekerasan terhadap anak di Kota Sorong, khususnya dalam penerapan sanksi terhadap pelaku serta perlindungan hukum bagi korban.* ***Metode penelitian*** *yang digunakan adalah pendekatan yuridis empiris dengan spesifikasi penelitian deskriptif kualitatif, yaitu menelaah ketentuan hukum yang berlaku dan mengkaji implementasinya dalam praktik melalui data lapangan, wawancara, dan studi dokumentasi.* ***Kebaruan penelitian*** *ini terletak pada fokus kajian terhadap implementasi Peraturan Daerah Nomor 5 Tahun 2022 sebagai dasar operasional UPTD-PPA di Kota Sorong, yang belum banyak dikaji dalam penelitian sebelumnya. Kemudian terdapat kesenjangan antara pengaturan normatif dengan implementasi di lapangan, khususnya terkait kendala sumber daya, koordinasi antar-instansi, serta rendahnya partisipasi masyarakat*

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dalam pelaporan kasus serta mengidentifikasi hambatan-hambatan implementatif yang memengaruhi optimalisasi perlindungan anak. ***Hasil penelitian*** *menunjukkan bahwa UPTD-PPA telah berperan aktif dalam memberikan pendampingan hukum dan psikologis kepada anak korban kekerasan, namun pelaksanaan penerapan sanksi terhadap pelaku masih menghadapi kendala, seperti keterbatasan sumber daya, koordinasi antarinstansi yang belum optimal, serta rendahnya kesadaran masyarakat untuk melaporkan kasus kekerasan.* ***Kesimpulan penelitian*** *ini menegaskan bahwa keberadaan UPTD-PPA merupakan langkah progresif dalam perlindungan anak, namun diperlukan penguatan koordinasi, sumber daya, dan sosialisasi agar penegakan hukum dan perlindungan anak dapat berjalan secara optimal.*
Kata Kunci: *Penerapan Sanksi; Tindak Pidana; Kekerasan Pada Anak.*

1. INTRODUCTION

The Republic of Indonesia adheres to the principle of the rule of law (rechtstaat), as affirmed in Article 1, paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that Indonesia is a state governed by the rule of law, not a state based solely on power (machtstaat). In this context, the law functions as a set of norms that regulate societal behavior to achieve order, security, and the common good. The existence of the law is essential because it is capable of accommodating the diverse interests within society. Thus, the law plays a role in creating balance, legal certainty, and justice in social life.[1]

As a nation governed by the rule of law, the objectives of the Republic of Indonesia have been constitutionally enshrined in the 1945 Constitution of the Republic of Indonesia.[2] These objectives include the state's obligation to provide protection to all Indonesian citizens and its sovereign territory, to improve the general welfare, to advance the intellectual development of the nation, and to play an active role in realizing world peace based on independence, sustainable peace, and social justice. Therefore, the state is required to implement policies and enforce laws that prioritize the protection of human rights and the interests of the people in every aspect of national and state life.[3]

The objectives of the Republic of Indonesia essentially include the obligation to provide protection to all segments of society and to ensure the fulfillment of citizens' rights in various aspects of life. In this context, child protection is an integral part of human rights that must be guaranteed by the state, given that children are a vulnerable group who have the right to live, grow, develop, and receive protection from all forms of violence and discrimination. However, conditions within society reveal a discrepancy between the state's ideal objectives and the reality on the ground. Various legal issues arising alongside the rise in deviant behavior not only threaten public order but also directly result in the violation of children's rights as part of human rights. Such deviant behavior ultimately has the potential to lead to criminal acts, including violence

[1] Fauzi Iswari, "Aplikasi Konsep Negara Dan Reformasi Dalam Pembentukan Undang-Undang Di Indonesia Universitas Muhammadiyah Sumatra Barat" 6, No. September (2020): 127–40, Https://Doi.Org/10.3376/Jch.V6i1.285.
[2] Rizki Wahyudi And M Gaussyah, "Optimalisasi Pelaksanaan Putusan Mahkamah Konstitusi Dalam Hal Pengujian Undang-Undang Terhadap Undang-Undang Dasar Negara Republik Indonesia Tahun 1945," *Mercatoria* 11, No. 2 (2018): 174–96.
[3] Gultom Maidin, *"Perlindungan Hukum Terhadap Anak Dalam Sistem Peradilan Pidana Anak Di Indonesia."*., N.D.

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against children, which undermines a sense of security and hinders the fulfillment of children's basic rights in society.

Crime is a social phenomenon that is inseparable from community life and therefore requires serious attention. This is due not only to the increasing diversity of crime over time, but also to the fact that its impact has created fear and anxiety and disrupted public safety and order.[4] One type of crime that continues to grow and is classified as a criminal offense is violence. Violence can be understood as an act committed unlawfully and arbitrarily, intended to cause or resulting in the suffering of others, whether physical or psychological, and thus has the potential to violate human rights.[5][6]

The terminology of violence against children is not explicitly defined in a clear-cut definition, but is instead described primarily through the forms it takes. For example, Article 19 of the Convention on the Rights of the Child (CRC) does not provide a conceptual definition of child abuse, but the provision emphasizes the importance of protecting children from various forms of violence, both physical and mental, including injury, maltreatment, abuse, neglect, and other forms of mistreatment, including sexual abuse.[7]

Criminal acts of violence generally target groups in vulnerable positions in society, such as women and children.[8] However, as social dynamics evolve, children are not only viewed as victims but, under certain circumstances, may also be involved as perpetrators of violent crimes.[9] This phenomenon points to more complex issues in the process of nurturing and protecting children within the family and the community.

Violence can be understood as behavior, whether intentional or resulting from negligence, that has the potential to inflict or cause suffering, pain, or harm to others. In the context of children, violence is known globally as "child abuse." Child abuse refers to repeated acts of violence, whether physical or emotional, committed against a child who is in a dependent relationship. Such acts can range from acting on aggressive impulses, uncontrolled physical punishment, degrading treatment, and constant humiliation to sexual abuse. This behavior is generally perpetrated by parents or other individuals who are supposed to be responsible for caring for, protecting, and raising the child.

Children are, in essence, a trust and a blessing from God Almighty, endowed with the inherent dignity and worth of a fully-fledged human being. As part of the nation's next generation,

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[4] Renna Prisdawati And Mukhtar Zuhdy, "Penerapan Sanksi Pidana Terhadap Anak Pelaku Tindak Pidana Pencabulan," *Indonesian Journal Of Criminal Law And Criminology (IJCLC)* 1, No. 3 (2021): 170–76, Https://Doi.Org/10.18196/Ijclc.V1i3.9609.

[5] Hiro R. R. Tompodung, "KAJIAN YURIDIS TINDAK PIDANA PENGANIAYAAN YANG MENGAKIBATKAN KEMATIAN" 71, No. 1 (2021): 63–71.

[6] Mahrus Ali, Dasar-Dasar Hukum Pidana, (Jakarta: Sinar Grafika, 2012), 101.

[7] Beatriks Novianti Kiling-Bunga and Indra Yohanes Kiling, "Tinjauan Persepsi Anak Terhadap Kekerasan," *Journal of Health and Behavioral Science* 1, no. 2 (2019): 83–97, https://doi.org/10.35508/jhbs.v1i2.2086.

[8] Bilher Hutahaean, "Penerapan Sanksi Pidana Bagi Pelaku Tindak Pidana Anak," *Jurnal Yudisial* 6, No. 1 (2013): 2, Https://Jurnal.Komisiyudisial.Go.Id/Index.Php/Jy/Article/View/119/103.

[9] Diding Sunandi, "Pertanggung Jawaban Pidana Terhadap Pelaku Tindak Pidana Penganiayaan Yang Menyebabkan Luka Berat (Studi Kasus Putusan Nomor 255/Pid.B/2021/PN Mjl)" (2021).

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children possess strategic potential in carrying forward national aspirations and ensuring the continuity of development. Therefore, children require special guidance and protection to ensure optimal, balanced, and sustainable physical, mental, and social growth and development. From a broader perspective, the existence of children is the foundation for the continuity of human civilization; thus, the protection of children is an imperative that cannot be ignored.[10]

Child abuse is generally classified into four main categories: a. physical abuse; Forms of physical abuse include various acts that endanger a child's safety, such as hitting, shaking, neglecting, poisoning, burning, drowning, choking, and other acts that have the potential to injure a child. In the context of children, physical abuse includes any act that causes bodily harm, such as slapping, hitting with a hard object (e.g., a branch, stick, or whip), injuring with a sharp object, burning with a cigarette, restraining, pushing, slamming the child's body against a wall, or throwing the child down the stairs. Physical abuse is part of the concept of child maltreatment, which refers to the inappropriate treatment of a child. In addition to physical abuse, child maltreatment also includes sexual abuse, neglect, and emotional or psychological abuse. b. Emotional abuse (emotional abuse) encompasses any form of behavior that negatively impacts a child's emotional and social development. These forms of abuse include verbal and nonverbal treatment that demeans a child's dignity, such as yelling, using harsh or inappropriate language, and applying negative labels like "useless," "unloved," or "stupid." c. Sexual abuse (sexual abuse) refers to any act that involves a child in sexual activity through coercion, persuasion, or manipulation, whether the child is aware of it or not. Sexual abuse of children encompasses various acts that involve a child in sexual gratification, including: first, sexual abuse without physical contact, such as exposing the child to pornography or acts of exhibitionism; second, sexual abuse with physical contact, which includes touching the sexual organs, whether by the perpetrator toward the child or vice versa, as well as any form of penetration that serves no medical purpose; and third, sexual exploitation, which refers to acts that objectify a child in prostitution or use them as a model in the production of pornographic material. d. Neglect; toward a child refers to attitudes and actions that fail to provide adequate attention and meet the child's basic needs during their growth and development. Forms of neglect may include the exclusion or isolation of a child from the family environment, as well as the failure to provide access to adequate education and health care.

In addition, emotional abuse can also take the form of actions that constantly highlight a child's failures, insult them, or humiliate them, including calling them derogatory names such as "stupid" or "disgusting." Other behaviors that fall into this category include parents expressing excessive disappointment in their child when the child fails to meet their expectations. These actions have the potential to damage a child's self-confidence and hinder their optimal psychological development.

[10] Maidin Gultom, 2010, Perlindungan Hukum Terhadap Anak Dalam Sistem Peradilan Pidana Anak Di Indonesia, Pt Refika Aditama, Bandung,

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The Indonesian government's commitment to upholding the dignity and well-being of children has been evident since the enactment of Law of the Republic of Indonesia No. 4 of 1979 on Child Welfare. However, despite the implementation of various regulations related to child protection, including those currently in effect, the reality is that the level of child welfare and the fulfillment of children's rights have yet to reach an ideal state. The various policies and efforts that have been implemented have not yet been fully effective in reducing the high rates of violence and exploitation against children. Within the context of family and community life, children are still frequently targeted by deviant acts committed by certain parties, whether by parents within the household or by other individuals in their social environment. In fact, it is widely acknowledged that the family environment, which should serve as a place of protection, has the potential to become a source of violence against children.

The enactment of Law No. 35 of 2014 is intended to strengthen the legal protection system for children in Indonesia. One of the key instruments regulated in this law is the implementation of diversion, which is a mechanism for transferring the resolution of cases involving children from the formal criminal justice process to out-of-court resolution. Diversion is viewed as a more appropriate alternative to shield children from the negative impacts of the criminal justice process. Therefore, the application of diversion is mandatory in handling children in conflict with the law, whether during the investigation, prosecution, or trial stages, with the child's best interests as the primary consideration.

This issue stems from the Republic of Indonesia's status as a nation governed by the rule of law, as affirmed in Article 1, paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which establishes the law as the primary guide for the conduct of social, national, and state life. Within this framework, the state bears a constitutional responsibility to guarantee the protection of human rights, including providing special protection to children as a vulnerable group that plays a strategic role in the sustainability of the nation and civilization. This principle of child protection should be reflected in every policy and law enforcement action.

However, evolving social dynamics reveal a gap between the ideal of a state governed by the rule of law and the reality on the ground. The rise in crime, especially crimes involving violence, not only causes public anxiety and disrupts public order but also indicates that the legal system has not yet been fully effective in providing adequate protection for children. In certain cases, children are not only victims but are also involved as perpetrators of crimes, thereby creating increasingly complex legal and social problems that require special attention.

Although the government has enacted various regulations, including Law No. 35 of 2014 on Child Protection, empirical evidence shows that the levels of violence and exploitation against children remain high. This indicates that existing legal provisions have not yet been fully and effectively implemented in practice. Therefore, diversion mechanisms as an alternative to resolving juvenile cases outside the criminal justice system warrant in-depth examination, given that diversion is oriented toward the best interests of the child and aims to minimize the negative impact of the criminal justice process on the child's development and future.

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A study conducted by Dody Suryandi, Nike Hutabarat, and Hartono Pamungkas in 2020 titled "The Application of Criminal Sanctions Against Perpetrators of Sexual Violence Against Children" revealed that child victims of sexual violence or rape in the criminal justice process still face situations that have the potential to cause stress. During the trial phase, child victims are required to testify as witnesses by recounting the events they experienced in front of the panel of judges, the public prosecutor, and the defendant. Such conditions can have psychological consequences for the child if not accompanied by treatment that prioritizes the child's protection and best interests. Therefore, child victims should not be placed in situations that cause fear or stress, whether physical or psychological; rather, they should be treated humanely and receive adequate support throughout the judicial process.[11]

Previous research has tended to focus on normative aspects, such as legal frameworks, classifications of violence against children, and forms of protection stipulated in legislation. However, in-depth studies examining the gap between legal norms and on-the-ground practices, particularly regarding the effectiveness of child protection within the criminal justice system, remain limited.

Furthermore, previous research has generally emphasized the child's position as a victim of violence, without comprehensively examining the phenomenon of children as perpetrators of criminal acts who also require special legal protection. On the other hand, although diversion mechanisms have been established as an alternative for resolving cases involving children outside the formal criminal justice process, empirical studies on the effectiveness of diversion in providing protection oriented toward the best interests of the child remain scarce, particularly regarding its implementation in practice.

Based on these findings, it is evident that conventional criminal justice mechanisms still carry the potential for negative impacts on children's psychological well-being. Thus, this study is important and relevant for conducting an in-depth examination of the effectiveness of legal protections for children, particularly through diversion mechanisms, as an effort to ensure the realization of justice, legal certainty, and the benefits of the law within the framework of Indonesia's rule of law.

Data from the National Commission on Violence Against Women (Komnas Perempuan) indicate that in April 2023, there were 33 cases of rape against women and children in the city of Sorong, which increased to 39 cases in May 2023. On average, the victims were under 14 years of age, and the perpetrators often had a relationship with the victims, such as a boyfriend, friend, or family member. Law No. 35 of 2013 on Child Protection serves as the basis for this study, which is titled "The Application of Sanctions for Crimes of Violence Against Children in the City of Sorong."

2. METHOD

This study employs an empirical legal method or sociological approach, which examines law as a tangible social phenomenon rather than merely written rules, to observe how law functions

[11] Dody Suryandi, Nike Hutabarat, And Hartono Pamungkas, "Pidana Kekerasan Seksual Terhadap Anak Oleh : E-Mail :" 28, No. 35 (2020): 84–91.

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in society. The data used include both primary and secondary data. Primary data were obtained directly through interviews with law enforcement officials, government officials, and relevant parties in Sorong City, while secondary data were derived from a literature review and previous research documents. The research was conducted at the Sorong City Police Station and other relevant agencies. Primary data collection was carried out through interviews and field observations, including at the Sorong City Class 1B District Court and the Sorong City Police Station, to gain a factual understanding of the application of sanctions against perpetrators of violence against children. Meanwhile, secondary data was collected through a literature review.

3. DISCUSSION

3.1. Legal Proceedings Regarding Acts of Violence Against Children in the City of Sorong

Based on data obtained from the Office of Women's Empowerment and Child Protection (DP3A) and the results of interviews conducted, it was found that the most prevalent forms of violence against children in Sorong City include several types. These forms of violence include physical violence such as hitting and kicking; psychological violence manifested through insults, threats, and the use of abusive language; sexual violence such as molestation and sexual harassment; and child neglect. This violence largely occurs within the child's immediate environment, such as within the family, at school, or in the neighborhood.

The handling of child abuse cases generally involves several stages, beginning with a report. The victim or family members can report incidents of abuse to the DP3A, the police, school officials, or non-governmental organizations. However, the reporting rate remains relatively low due to fear, shame, and a lack of understanding and information regarding reporting procedures. Furthermore, for cases categorized as severe, the process continues through the legal system, with the case referred to the police for investigation and criminal prosecution.

In addition to legal proceedings, recovery efforts for child victims of violence are also a crucial part of case management. These recovery efforts include psychological counseling, the provision of safe houses, and the facilitation of re-enrollment in school for children who dropped out due to the violent incident. Based on research findings, it can be concluded that public awareness of the various forms of violence against children remains relatively low. Many parents still do not understand that actions such as yelling at or hitting a child fall under the category of violence against children.

Normatively, Law No. 35 of 2014, amending Law No. 23 of 2002 on Child Protection, has established the stages of legal proceedings against perpetrators of child abuse. These stages include reporting and investigation, the provision of support and legal protection for victims, the criminal justice process, and the stages of recovery and social reintegration. In addition, Law No. 31 of 2014 also guarantees protection for witnesses and victims, including the right to legal protection, medical assistance, and psychosocial services as part of a comprehensive recovery process.

The phenomenon of violence against children in Sorong City exhibits complex and multidimensional characteristics. The prevalence of various forms of violence, including physical, psychological, sexual, and neglect, indicates that violence against children is not merely incidental

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but has become a structural issue rooted in the child's immediate environment, such as the family, school, and community. This situation reveals a failure of the protective functions of the primary social environment, which should serve as a safe space for children's growth and development. In other words, violence against children is not merely an individual issue but also reflects the weakness of the social protection system and the legal culture within society. The low rate of reporting violence cases indicates serious barriers to access to justice. Psychological factors such as fear and shame, as well as the public's limited legal literacy, serve as indicators that the available legal protections are not yet fully and effectively accessible to victims. From the author's perspective, this reflects a gap between law in the books and law in action, where existing legal norms have not been optimally internalized in social practice. Consequently, many cases of violence go unreported, thereby increasing the potential for repeated violence (revictimization) against children.

On the other hand, the response mechanisms, which encompass the reporting stage, legal proceedings, and victim recovery, are essentially in line with the normative framework established by laws and regulations. However, the effectiveness of their implementation still faces various obstacles, particularly regarding interagency coordination, limited resources, and the uneven quality of child protection services. The author argues that the availability of services such as psychological counseling, safe houses, and educational support represents a progressive step, but is insufficient to comprehensively address victims' needs unless accompanied by an integrated and sustainable system. Furthermore, the low level of public awareness regarding forms of violence against children indicates underlying issues at the level of normative and cultural understanding. Practices of violence that are considered part of parenting, such as yelling or hitting, reflect the social legitimization of violence. In the author's view, this poses a major challenge to law enforcement efforts, as the law must contend not only with violations of norms but also with the value systems embedded in society.

Normatively, the provisions in Law No. 35 of 2014 and Law No. 31 of 2014 have provided a sufficiently strong foundation for ensuring child protection, both in terms of law enforcement and victim recovery. However, the author argues that this normative strength has not been fully matched by effective implementation on the ground. This indicates that the main problem lies not in a legal vacuum, but rather in weak law enforcement and low public legal awareness.

Consequently, a more comprehensive and integrated approach is needed, not only through strengthening regulations but also through enhancing institutional capacity, optimizing cross-sectoral coordination, and intensifying public education and outreach. Without these efforts, the legal objective of providing optimal protection for children as a vulnerable group will not be effectively achieved.

3.2. The Imposition of Criminal Penalties on Perpetrators of Crimes of Violence Against Children in Sorong City

Cases of sexual violence by perpetrators close to the victims: In early 2025, a man identified only by the initials ZA (45), known as "Om Udin," was named a suspect in a case of sexual violence against minors. The perpetrator's modus operandi was to invite children to play at his home under

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the pretense of showing them his pets, and then commit indecent acts. To date, seven children have been identified as victims, and police suspect the number of victims may still rise. The perpetrator is charged under Article 82 of Law No. 35 of 2014 on Child Protection, which carries a maximum sentence of 15 years in prison and a fine of up to 300 million rupiah.

Based on the provisions of the Child Protection Law, Indonesia is, in principle, a state governed by the rule of law, where every act of state administration and the conduct of citizens must be based on applicable law. A state governed by the rule of law is understood as a form of state that places law as the primary foundation for the exercise of power and ensures that a sense of justice is fulfilled for all citizens. The concept of the rule of law itself has evolved since the time of Ancient Greece, with the ideas first articulated by Plato and later reinforced by Aristotle, who emphasized that the law must serve as a guide in the life of the state.

Law is essentially a set of norms that serve to regulate the order of human life in society. These legal norms originate from various sources of law that form the basis for the creation of legal rules; thus, sources of law can be understood as everything that gives rise to and shapes legal provisions. The primary characteristic of law can be identified by the presence of commands and prohibitions that are binding and must be obeyed by everyone without exception. The existence of law aims to create order, certainty, and justice in social life.

Anyone who commits a prohibited act or violates applicable legal provisions may be subject to sanctions commensurate with the severity and nature of the offense committed. Within the legal system, law is broadly divided into criminal law and civil law (or private law). Criminal law is a set of rules governing specific acts that meet the elements of a criminal offense and are punishable by criminal sanctions. Furthermore, criminal law is subdivided into general criminal law and special criminal law, where general criminal law applies to everyone in general, while special criminal law is directed at specific subjects or acts that have a special nature.

A criminal act can be understood as an act classified as a crime because it violates applicable legal provisions. Under criminal law, any unlawful act that meets the elements of a criminal offense is subject to sanctions as a form of accountability for the act committed. These sanctions take the form of punishments imposed by law enforcement authorities with the aim of deterring the perpetrator from repeating the act in the future. This process of imposing punishment is known as criminal sentencing, which is the mechanism by which the state legally inflicts suffering upon the perpetrator of a criminal act.

Criminal sentencing, by its very nature, involves suffering or hardship intentionally imposed on the perpetrator as a consequence of the wrongdoing committed. It is hoped that this suffering will foster legal awareness and serve as a lesson for the offender that any violation of the rules established by the state will result in a commensurate sanction. In this context, criminal sentencing is not merely interpreted as retribution but also as a means of enforcing the law and rehabilitating offenders.

According to Sudarto, the term “punishment” derives from the word “law,” which means “to establish the law.” This view indicates that the concept of punishment is not limited to criminal law but can also be applied in the realm of civil law, adapted to the specific types of violations

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and offenses committed. Therefore, criminal punishment is part of the legal system that serves to uphold justice based on applicable rules.

In the study of criminal law, punishment is based on several theories, including the theory of retribution (or absolute theory), the theory of purpose (or relative theory), and the combined theory. The absolute theory, which developed within the classical school of thought, emphasizes retribution; according to Herbart, offenders must experience suffering as a consequence of acts that have caused suffering to others. Meanwhile, the relative theory views punishment as a means to maintain social order, protect legal interests, and prevent future crimes. The combined theory, on the other hand, integrates elements of retribution and the protection of society, so that punishment is not merely repressive but also oriented toward maintaining legal order and broader social interests. In the context of child protection, the application of criminal law must take into account the principle of the best interests of the child. This means that every law enforcement process, including the punishment of perpetrators of violence against children, must be directed toward providing maximum protection for victims and preventing similar acts of violence in the future. Therefore, the punishment of perpetrators of violence against children is not only intended to serve as a deterrent but also as a form of legal protection and rehabilitation for the victims.

Criminal law is a set of legal provisions applied to anyone who commits an act classified as a crime. The application of criminal law is not only intended to impose sanctions but also serves educational and corrective purposes, namely to guide and reform the behavior of offenders so they can once again play a positive role in society. In this context, a criminal act is understood as a form of punishment intentionally imposed by the state upon an individual proven to have violated applicable legal provisions.[12]

Punishment is one of the instruments of criminal law that serves as a means of moral rehabilitation for offenders, with the aim of preventing the recurrence of the same offense in the future. Thus, criminal punishment is not solely oriented toward retribution but is also directed toward the rehabilitation and reintegration of offenders into society. This approach aligns with the view that the criminal justice system must strike a balance between the interests of the offender, the victim, and society.[13]

According to Wesley Cragg, criminal punishment in modern society has several key characteristics.[14] First, criminal punishment is a well-understood and unavoidable reality in modern society. Second, the implementation of criminal punishment reflects the criminal justice system and the types of sanctions that can be imposed on offenders. Third, the implementation of criminal punishment requires continuous reform, drawing on developments in criminal punishment practices in various countries, such as in Europe and the Americas. Fourth, the criminal

[12] Dimmas Prawira Pratama, "Penegakan Hukum Terhadap Pelaku Tindak Pidana Kekerasan Anak Yang Mengakibatkan Korban Meninggal Dunia," 2023, 78–92, Http://Repolib.Unisri.Ac.Id/28/1/22101005 - Bakti Yuliadi.Pdf.
[13] Nono Suryanto, "Implementasi Pertanggung Jawaban Pidana Terhadap Pelaku Tindak Pidana Penganiayaan Secara Bersama-Sama Yang Mengakibatkan Kematian (Studi Putusan Nomor: 141/Pid.B/2022/PN. Kndl)" (2021).
[14] Marli Candra, Helga Nurmila Sari, And Marli Candra, "Punishment Pemidanaan Dalam Hukum Pidana Islam : Antara Fakta Dan Idealitas Pemidanaan Hukum Pidana Islam Disyariatkan Tujuan Utamanya Adalah Kemaslahatan , Yakni Yang Berorientasi Pada Tataran Duniawi (Zawājir), Dan Orientasi Pada Tataran Ukhrowī Sama ," 2024.

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justice system must be continually evaluated to assess its alignment with the objectives of criminal punishment. Therefore, any act that violates legal provisions may be prosecuted through criminal justice mechanisms in accordance with the principles of justice and applicable laws and regulations.

Once the criminal proceedings are concluded, the perpetrator of a criminal offense will be sentenced as a form of accountability for the acts committed. Penalties are legal instruments used by the state to punish offenders and to deter criminal acts. The imposition of criminal penalties is in accordance with applicable laws and regulations and takes into account the degree of culpability and the consequences of the offender's actions. In the context of criminal law, criminal penalties serve as a legal deterrent to prevent individuals from committing unlawful acts.

Conceptually, punishment is recognized as part of the criminal justice system, which consists of principal punishments and additional punishments. Principal punishments are the primary types of punishment that may be imposed on perpetrators of criminal offenses in accordance with applicable laws. Principal punishments take several forms, including the death penalty and imprisonment.

The death penalty is one of the most severe forms of criminal punishment compared to other types of penalties. This penalty may only be imposed on perpetrators of specific criminal offenses deemed extremely serious and having far-reaching consequences for society. Under the provisions of the Criminal Code (KUHP), the death penalty was previously regulated in Article 11 of the KUHP, which governed the procedure for its execution through hanging. However, this provision was subsequently amended with the enactment of Law No. 5 of 1969 on the Ratification of Law No. 2 of 1964, which stipulates that the death penalty is carried out by firing squad. The application of the death penalty continues to spark debate and divided opinions in various countries, including Indonesia.

Apart from the death penalty, imprisonment is the most commonly imposed criminal sanction in criminal justice practice.[15] A prison sentence is imposed as a form of retribution for the unlawful acts committed by the offender, as well as a means of rehabilitation to help the offender recognize their mistake and prevent them from repeating the offense in the future. Thus, a prison sentence serves not only a punitive function but also has preventive and rehabilitative purposes.[16]

Imprisonment is a form of criminal sanction imposed through a sentencing process as retribution for a crime committed by the offender. Imprisonment is subject to specific time limits, ranging from a minimum of one day to a maximum of life imprisonment. Life imprisonment is generally imposed as an alternative to the death penalty. However, the application of life imprisonment often raises objections when considered in light of the objectives of criminal punishment, particularly regarding the rehabilitation and reintegration of the convicted person.

[15] Mas Toha Wiku Aji, *Praktik Pemaafan Hakim Dalam Sistem Peradilan Pidana Indonesia*, *Edu Research Indonesian Institute For Corporate Learning And Studies (IICLS)*, Vol. 5, 2024.
[16] Ismantoro Yuwono, "Memahami Beberapa Etika Profesi Dan Pekerjaan," *Lex Crimen* II, No. 2 (2011): 43–55.

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Life imprisonment essentially places greater emphasis on retribution and the protection of society by restricting the convicted person's freedom to prevent them from interacting with the general public and thereby committing similar offenses again. The length of the prison sentence imposed on the offender is determined based on the severity of the criminal act committed and in accordance with applicable laws and regulations.

In addition to imprisonment, there is also the penalty of confinement, which is substantially similar to imprisonment. The main difference between imprisonment and detention lies in the duration of the sentence, with detention having a shorter term. Detention is generally imposed for minor criminal offenses or those classified as misdemeanors. Criminal sanctions in the form of detention serve as a means of enforcing the law as well as a warning to the public against committing unlawful acts.

Pursuant to Article 18 of the Criminal Code, a sentence of imprisonment shall be imposed for a minimum of one day and a maximum of one year. Further clarification regarding the classification of imprisonment is also provided in Article 69(1) of the Criminal Code, which states that the severity of a sentence is determined based on the order set forth in Article 10 of the Criminal Code, where imprisonment ranks third after the death penalty and imprisonment with labor. The enforcement of both imprisonment and confinement takes effect after a court decision has become final and binding, taking into account the period of pretrial detention already served by the convicted person.

Furthermore, a fine is a type of punishment imposed in the form of an obligation to pay a specific amount of money as determined by the court's decision. Fines are often chosen as an alternative to custodial sentences, particularly for criminal offenses that do not require the imposition of a short-term prison sentence. Fines have several advantages, including that they do not create a social stigma, do not separate the convicted person from their family, do not result in job loss, are relatively easy to enforce, and do not impose a financial burden on the state.

In the context of crimes of violence against children committed by stepparents, sentencing must be based on the provisions of applicable laws and regulations. The sentencing of perpetrators in this study employs a combined theory, namely a blend of the absolute and relative theories, which aims not only to punish the perpetrator's actions but also to prevent the recurrence of the crime and to protect the victim.

Provisions regarding the protection of children as victims of violence are specifically regulated in the Child Protection Act. This legislation not only addresses criminal sanctions for perpetrators but also emphasizes the protection of children's rights as victims. Any form of violence against a child, whether minor or severe, is classified as an act of violence and abuse. This is in accordance with the provisions of Article 1, point 4, of the Child Protection Act, which states that "parents" include biological fathers and/or mothers, stepfathers and/or stepmothers, as well as adoptive fathers and/or mothers. Furthermore, Article 76C of the Child Protection Law stipulates that no person shall place a child in a situation of violence, allow violence to occur, commit violence, order another to commit violence, or participate in acts of violence against a child.

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4. CONCLUSION

Children, as victims of criminal offenses within the Criminal Justice System (CJS), are, in principle, entitled to restitution, particularly when the perpetrator is sentenced only to a fine or a suspended sentence. Under such circumstances, the provisions of Article 14c(1) of the Criminal Code (KUHP) apply only to a limited extent, meaning that the victim's interests can only be accommodated if certain conditions are met. This indicates that restitution for victims of criminal offenses has not yet fully become a primary focus within the criminal justice system. The provisions regarding victims of criminal offenses in Law No. 8 of 1981 on the Criminal Procedure Code (KUHAP) are normatively more detailed when compared to the provisions in the Criminal Code (KUHP). Nevertheless, when examined comparatively with the rights held by suspects or defendants, legal protection for victims of criminal offenses, including children, remains relatively limited. This reflects that the principles enshrined in the KUHAP still place the perpetrator at the center of attention in the criminal justice process, while the position of victims tends to be marginalized. This situation is evident from the scarcity of provisions in the KUHAP that specifically address the existence, role, and rights of victims within the criminal justice process. In the context of legal protection for children as victims of criminal offenses, the relevant regulations are not only derived from national law but are also reinforced by international legal instruments. One such important instrument is the Convention on the Rights of the Child, which was ratified by the Republic of Indonesia through Law No. 36 of 1990. Through this ratification, Indonesia has legally committed itself and is obligated to guarantee and implement the protection of children's rights in various aspects of life, including within the criminal justice system. The Convention on the Rights of the Child contains four general principles that serve as the primary foundation for child protection: the principle of non-discrimination; the best interests of the child; the right to life, survival, and development; and respect for the views of the child. These four principles serve as guidelines for interpreting the convention's provisions as a whole while also providing direction for the formulation and implementation of child protection policies at the national level. However, in practice, various factors continue to hinder the protection of children who are victims of criminal offenses. These factors include limited evidence, the child's age, which may prevent them from providing clear and consistent testimony, and the need for specialized interview techniques to enable the child to describe the events they experienced. Furthermore, the psychological trauma experienced by children, particularly when they must face the perpetrator directly in the courtroom, poses a serious obstacle to efforts to uphold justice that is oriented toward the best interests of the child.

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