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### **The Urgency of Recovery for Child Performers of Crime of Sexual Violence**

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#### **Abstract**

This study aims to determine the importance of special recovery and rehabilitation for children (perpetrators) of sexual violence. This research is prescriptive normative legal research with a legal approach. The data analysis technique uses deductive logic. Based on the research results, recovery and rehabilitation for children (perpetrators) of criminal acts of sexual violence are very important to prevent children from becoming recidivists or sexual predators as adults. Rehabilitation of children involved in cases of sexual violence has not fully met the principle of the best interests of children because there is no special rehabilitation for children. Psychological and social rehabilitation and rehabilitation need to be provided to children as perpetrators and children as victims in criminal acts of sexual violence to achieve recovery, so that they can grow and develop optimally as the next generation of the nation.

#### **Keywords**

Children in Conflict with the Law; Rehabilitation; Sexual Violence

#### **Introduction**

Children as the next generation of the ideals of the nation's struggle, have a strategic role and have special characteristics and characteristics that ensure the

continuity of the existence of the nation and state in the future; therefore, every child has the right to get protection from the family, society, and government and has the right to receive protection. the widest possible opportunity to grow and develop optimally, physically, mentally, and socially. However, the fact is that there are still many children who are in their growing period faced with special situations, where children are forced to face the law because they have committed a crime. Criminal acts committed by children are not only a disturbance to public order but are also a problem that can threaten the future of a nation and state; therefore children need to be protected from all actions that can harm so that children who are the basis of this nation's successor remain maintained<sup>1</sup>

Based on data from the Indonesian Child Protection Commission (KPAI) from 2016 to 2020, shows that the most crimes committed by children are sexual violence, amounting to 713 cases. Compared to other criminal cases, such as children as perpetrators of physical violence (506 cases), health and drug cases (339 cases), theft (252 cases), and murder (11 cases).<sup>2</sup>

Children as young human beings are young in age, young in spirit and life experience, so they are easily influenced by the surrounding situation and circumstances.<sup>3</sup> Conceptually, a child in conflict with the law is a child who is 12 (twelve) years old but not yet 18 (eighteen) years old and who is suspected or suspected of having committed a crime. In terms of age, the child does not understand that what he is doing is considered a crime because the child only imitates what he has seen so far, so it can be said that the child as the perpetrator is also a victim of globalization, association, the surrounding environment, and even his past experiences.<sup>4</sup>

Unpreparedness in accepting the current globalization has resulted in an increasing number of children being entangled in various criminal cases. The rise of cases of sexual violence committed by children is the impact of increasingly rapid technological developments but is not accompanied by control and supervision from parents, the community, and the government so that children can easily reach pornographic sites. Pornography sites are presented with a view as attractive as possible to look at, make a child's curiosity increase, and can easily be disseminated to their peers. Children who are addicted to watching pornographic content can lead to increased their sexual needs so they tend to imitate the sexual behavior they have seen and in the end, practice it on their peers, this is what causes children to become perpetrators of sexual violence. Even adult scenes are now often found in

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<sup>1</sup> Sri Wahyuni and others, 'The Registration Policy of Interfaith Marriage Overseas for Indonesian Citizen', *Bestuur*, 10.1 (2022), 12–21 <<https://doi.org/10.20961/bestuur.v10i1.54449>>.

<sup>2</sup> Yanuar Farida Wismayanti and others, 'The Problematicization of Child Sexual Abuse in Policy and Law: The Indonesian Example', *Child Abuse and Neglect*, 118.May (2021), 105157 <<https://doi.org/10.1016/j.chiabu.2021.105157>>.

<sup>3</sup> Elizabeth Salt and others, 'A Comparison of Child Abuse and Neglect Encounters before and after School Closings Due to SARS-Cov-2', *Child Abuse and Neglect*, 118.March (2021), 105132 <<https://doi.org/10.1016/j.chiabu.2021.105132>>.

<sup>4</sup> Nabiyla Risfa Izzati and Mas Muhammad Gibran Sesunan, "'Misclassified Partnership" and the Impact of Legal Loophole on Workers', *Bestuur*, 10.1 (2022), 57 <<https://doi.org/10.20961/bestuur.v10i1.62066>>.

television shows, movies, and video games. Control and supervision of children from technological facilities are very important, where children do not yet have the ability and power to be responsible like adults.<sup>5</sup>

The settlement of criminal acts of sexual violence committed by children through the formal criminal justice system which in the end the child is given criminal sanctions (prison) and has the status of a prisoner of course brings considerable consequences in terms of child growth and development. The fact is that putting children in prison does not necessarily succeed in creating a deterrent effect, it often makes children more professional in committing crimes.<sup>6</sup>

The handling of cases of sexual violence committed by children is interesting to study because it must be resolved through a formal criminal justice system, even though there has been peace and restitution from the perpetrator to the victim.<sup>7</sup> As stated in the Decision of the Karanganyar District Court No. 2/Pid.Sus-Anak/2020/PNKrg. At the investigation stage, the Child Investigator at the Karanganyar Police has sought peace between the Child and the Victim, the Child has admitted his mistake and apologized to the victim and the Child's family has provided restitution, but the case continues at the Karanganyar District Court. The child was found guilty of intentionally committing violence forcing the child to have sexual intercourse and was sentenced to prison for 10 months and job training for 4 (four) months at LPKS/YPAN Surakarta. The resolution of cases of children who are still retaliating for their actions without considering the child's psychological condition will harm the child's mental health, if the child is not given special treatment, the child can take revenge by repeating his actions again or even becoming a sexual predator when he grows up. This condition is not under the restorative justice approach that has been regulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System through out-of-court settlement or Diversion.<sup>8</sup>

### **Research Method**

The type of research used by the author is normative or doctrinal legal research that is prescriptive. This research approach is carried out with a statute approach. The legal materials used are primary legal materials and secondary legal materials. Primary legal materials consist of statutory regulations and

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<sup>5</sup> Chad M.S. Steel and others, 'Collecting and Viewing Behaviors of Child Sexual Exploitation Material Offenders', *Child Abuse and Neglect*, 118.May (2021), 105133 <<https://doi.org/10.1016/j.chiabu.2021.105133>>.

<sup>6</sup> Fiska Ananda, 'Penerapan Diversi Sebagai Upaya Perlindungan Hukum Terhadap Anak Pelaku Tindak Pidana', *Jurnal Daulat Hukum*, 1.1 (2018) <<https://doi.org/10.30659/jdh.v1i1.2566>>.

<sup>7</sup> Tuija Leppäkoski, Maaret Vuorenmaa, and Eija Paavilainen, 'Psychological and Physical Abuse towards Four-Year-Old Children as Reported by Their Parents: A National Finnish Survey', *Child Abuse and Neglect*, 118.May (2021) <<https://doi.org/10.1016/j.chiabu.2021.105127>>.

<sup>8</sup> Juan Faura-Garcia, Izaskun Orue, and Esther Calvete, 'Cyberbullying Victimization and Nonsuicidal Self-Injury in Adolescents: The Role of Maladaptive Schemas and Dispositional Mindfulness', *Child Abuse and Neglect*, 118.June 2020 (2021), 105135 <<https://doi.org/10.1016/j.chiabu.2021.105135>>.

secondary legal materials consist of literature study materials. The data analysis technique uses deductive logic.<sup>9</sup>

### Research Results and Discussion

Children as the next generation of the nation are entitled to protection from the family, society, and the state. The 1945 Constitution of the Republic of Indonesia expressly states in Article 28 B Paragraph (2), that the state guarantees the right of every child to survival, growth, and development as well as protection from violence and discrimination. The mandate contained in Article 28 B Paragraph (2) of the 1945 Constitution of the Republic of Indonesia has consequences for the State of Indonesia on its obligation to protect children without discrimination, including providing protection when children conflict with the law (ABH).<sup>10</sup>

The protection of children has been regulated through various laws and regulations, including Law Number 39 of 1999 concerning Human Rights (hereinafter referred to as the Human Rights Law), and Law Number 23 of 2002 jis. Law Number 35 of 2014 and Law Number 17 of 2016 concerning Child Protection (hereinafter referred to as the Child Protection Law) and Law Number 11 of 2012 concerning the Child Criminal Justice System (hereinafter referred to as the SPPA Law). Child protection in a country is a benchmark for the level of civilization of the community and nation.<sup>11</sup> Child protection is included in the field of national legal development so if the government ignores issues related to child protection, it will hinder national development.<sup>12</sup>

Legal protection for children is defined as an effort to protect the various freedoms and human rights of children as well as various interests related to the welfare of children<sup>13</sup>. Based on Article 59 Paragraph (1) of the Child Protection Law, it is stated that the government, both central and local governments, and other state institutions are obliged and responsible for providing special protection to children. Special protection is given, including to children in conflict with the law. This special protection is provided through efforts as regulated in Article 59A of the Child Protection Law, namely by rapid treatment, including physical, psychological, and social treatment and/or rehabilitation, as well as prevention of disease and other health disorders, psychosocial assistance during treatment to recovery,

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<sup>9</sup> Theresia Anita Christiani, 'Normative and Empirical Research Methods: Their Usefulness and Relevance in the Study of Law as an Object', *Procedia - Social and Behavioral Sciences*, 219 (2016), 201-7 <<https://doi.org/10.1016/j.sbspro.2016.05.006>>.

<sup>10</sup> Yanuar Farida Wismayanti and others, 'Child Sexual Abuse in Indonesia: A Systematic Review of Literature, Law and Policy', *Child Abuse and Neglect*, 95. June (2019), 104034 <<https://doi.org/10.1016/j.chiabu.2019.104034>>.

<sup>11</sup> Brigit Rijbroek and others, 'Child Protection Cases, One Size Fits All? Cluster Analyses of Risk and Protective Factors', *Child Abuse and Neglect*, 95. June 2018 (2019), 104068 <<https://doi.org/10.1016/j.chiabu.2019.104068>>.

<sup>12</sup> Muhammad Fachri Said, 'PERLINDUNGAN HUKUM TERHADAP ANAK DALAM PERSPEKTIF HAK ASASI MANUSIA', *JCH (Jurnal Cendekia Hukum)*, 4.1 (2018), 141 <<https://doi.org/10.33760/jch.v4i1.97>>.

<sup>13</sup> I. J. Chou and others, 'Evaluation of the Effect of the Child Protection Act on Serious Child Physical Abuse in Taiwan', *Child Abuse and Neglect*, 95.5 (2019), 104066 <<https://doi.org/10.1016/j.chiabu.2019.104066>>.

provision of social assistance for children who come from underprivileged families and providing protection and assistance in every judicial process.

The juvenile criminal justice system carries the concept of restorative justice where there must be a balance of justice between victims, children, and the community, which means that access to justice is not only needed by victims but also by children who commit crimes because basically, children who commit crimes are also victims. from what children experience, see, hear, and feel and the influence of the surrounding environment, both family and social environment.<sup>14</sup>

One form of restorative justice is the settlement of criminal acts through diversion in the form of deliberation between victims who need to recover the losses they have suffered (both physically, psychologically, and materially) and the perpetrators are responsible for recovering them (usually by way of confession of guilt, apology, and feelings of guilt). remorse and restitution). Restorative justice aims to repair or restore criminal acts committed by children by providing actions that are beneficial to the lives of children, victims, and the environment. Children who commit crimes are avoided as much as possible from the formal legal process because children are not yet physically and psychologically mature, and have not been able to account for their actions before the law<sup>15</sup>

In the context of realizing restorative justice and restoring children, victims and the community who are disturbed by the existence of these crimes, the settlement process through criminal justice can be diverted by diversion. Diversion is the transfer of the criminal justice process into an alternative process of resolving cases through deliberation<sup>16</sup>.

The implementation of diversion is limited by the conditions stated in Article 7 Paragraph (2) of the SPPA Law, namely that diversion can be carried out if the crime committed is punishable by imprisonment for under 7 (seven) years and is not a repetition of the crime. Whereas the sanctions for criminal acts of sexual violence as regulated in Articles 76D, 76E, 81, and 82 of the Child Protection Law are imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years, and a maximum fine of Rp. 5.000.000.000,00 (five billion rupiahs) Therefore, a child who commits a crime of sexual violence cannot be resolved by diversion.

The requirements stated in Article 7 Paragraph (2) letter (a) of the SPPA Law do not reflect the principle of the best interests of the child and the principle of non-discrimination. Supposedly to realize restorative justice that prioritizes recovery, the best interests of the child, and the principle of non-discrimination, diversion can be carried out without conditions on the limits of criminal threats

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<sup>14</sup> Mireille Cyr and others, 'Paternal Support for Child Sexual Abuse Victims: A Qualitative Study', *Child Abuse and Neglect*, 95. June (2019), 104049 <<https://doi.org/10.1016/j.chiabu.2019.104049>>.

<sup>15</sup> Ridho Rokamah, 'RESTORATIVE JUSTICE BAGI ANAK PELAKU TINDAK PIDANA PERKOSAAN ANAK PERSPEKTIF HUKUM ISLAM DAN HUKUM POSITIF', *Justicia Islamica*, 10.2 (2013) <<https://doi.org/10.21154/justicia.v10i2.150>>.

<sup>16</sup> Alan J. Drury, Michael J. Elbert, and Matt DeLisi, 'Childhood Sexual Abuse Is Significantly Associated with Subsequent Sexual Offending: New Evidence among Federal Correctional Clients', *Child Abuse and Neglect*, 95. June (2019), 104035 <<https://doi.org/10.1016/j.chiabu.2019.104035>>.

committed by the child, so that every child who commits a crime, whether it is sexual abuse, sexual intercourse and other criminal acts who are threatened with imprisonment for more than 7 (seven) years have the opportunity to be resolved through diversion such as a child who commits a crime who is threatened with imprisonment for under 7 (seven) years. This requirement is also not in line with the principle of *ultimum remedium*, criminal as a last resort.

The diversion of children who commit crimes of sexual violence is not in line with restorative justice prioritizing protection and rehabilitation. For children who have regretted their actions and the victim forgives the perpetrator with restitution, then diversion should be sought. Diversion is carried out to provide sanctions that are more educational, not retaliatory to create special prevention, namely, to deter, correct, and prevent children from repeating criminal acts. The implementation of diversion is motivated by the desire to avoid negative effects on the soul and development of children due to their involvement in the criminal justice system<sup>17</sup>. Handling of children who are perpetrators of sexual violence must be carried out comprehensively, because if it is not handled properly and thoroughly, the child will experience a more serious negative impact, therefore the child must receive more special recovery and guidance.

The reasons for the importance of providing diversion opportunities that emphasize the protection and recovery of children who commit crimes of sexual violence are keep children away from negative influences and impacts during the judicial process. These negative impacts include psychological disruption of children, children are at risk of experiencing violence, children's basic needs are not fulfilled, the right to education is not fulfilled, and children are at risk of becoming recidivists. Life experiences and the process of interaction in prison with various people with criminal backgrounds can provide opportunities for children to learn about other forms of crime. With the opportunity for diversion for children who commit crimes of sexual violence, it can minimize the deprivation of liberty against children by being replaced with more educational sanctions, which are not an only deterrent but at the same time restore their mental, physical, spiritual and social conditions, avoiding stigmatization. and labeling like a child.<sup>18</sup>

Achieving a balance of justice for victims and children. Diversion puts forward the principle of forgiveness and finds a win-win solution through the active involvement of children and victims without having to go through a formal judicial process. Children are allowed to empathize with the victim, admit their actions, regret and express the reasons for their actions. Child victims express their opinions about the suffering experienced and what form of protection they want. This is intended to be able to find a comprehensive solution and to be able to fulfill reparations, and restorations for losses suffered as a result of criminal acts. The

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<sup>17</sup> Gregory J. Tung and others, 'Characteristics of Effective Collaboration: A Study of Nurse-Family Partnership and Child Welfare', *Child Abuse and Neglect*, 95. June (2019) <<https://doi.org/10.1016/j.chiabu.2019.104028>>.

<sup>18</sup> Jung Hoon Park, 'Indonesian Pluralities: Islam, Citizenship, and Democracy', *Asian Journal of Social Science*, 50.2 (2022), 157-58 <<https://doi.org/10.1016/j.ajss.2022.05.003>>.

parties involved jointly seek solutions to restore the condition of victims due to sexual violence and guarantee victims get their rights such as restitution, psychological assistance, and others, besides that the perpetrators will also get the best solution. Children who commit sexual violence need special treatment or rehabilitation so that in the future they will not repeat their actions.<sup>19</sup>

In still a sense of responsibility towards children. The solution through diversion is that it is hoped that the child will be able to admit his mistake and realize that his actions have caused harm to others so that the child will regret his actions and apologize to the victim and will not repeat his actions. Peace occurs by providing restitution and doing good to the victim in addition to instilling a sense of responsibility towards the child as well so that in the future there will be no sense of revenge and desire for revenge.

Diversion provides an alternative solution that does not only focus on prosecuting and punishing the perpetrators but also realizing the recovery of conditions for victims and perpetrators because the process of punishing children greatly affects their future as the nation's next generation. Recidivism is one of the consequences of criminalizing perpetrators of sexual violence without any recovery. Perpetrators of criminal acts of sexual violence require special treatment that is rehabilitative for recovery.

Comparing the handling of perpetrators of sexual violence in several countries shows that punishment with special rehabilitation for perpetrators of sexual violence is proven to suppress recidivism and successfully integrate perpetrators into their social lives. Several countries provide special rehabilitation programs in prisons for perpetrators of sexual violence Australia, Germany, and Norway.<sup>20</sup>

In Australian laws and regulations against perpetrators of sexual violence committed by children, rehabilitation efforts are strictly regulated because of fears of a repeat of the crime (residing). One of the methods used is Multisystemic Therapy (MST), which is a family and community-based treatment model to provide therapy for deviant sexual behavior problems. There is a cooperation between family, peers, school friends, and the community to provide positive behavior change toward perpetrators and increase prosocial behavior.<sup>21</sup>

The settlement of cases of children who commit crimes of sexual violence using a familial and humanist approach through the transfer of imprisonment to rehabilitation is a form of restorative justice for the parties. As in New Zealand, the multisystemic rehabilitation approach has shown positive results in reducing the repetition of sexual crimes. There are programs for sexual offenders in South

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<sup>19</sup> Jia Chen and Xiaochen Zhou, 'Sandwich Generation in China: Exchange Pattern with Older Parents and Educational Expenditure on Young Children', *Asian Journal of Social Science*, 50.2 (2022), 122–29 <<https://doi.org/10.1016/j.ajss.2022.01.007>>.

<sup>20</sup> Rose Clarkson, Michaela Eichinger, and Rajan Darjee, 'Multiple Perpetrator Sexual Homicide in Australia and New Zealand: An Exploratory Study of Groups, Victims, Offenders and Offences', *Journal of Criminal Justice*, 71. June (2020), 101726 <<https://doi.org/10.1016/j.jcrimjus.2020.101726>>.

<sup>21</sup> Jonathan James, Tamsin Higgs, and Stephanie Langevin, 'Reactive and Proactive Aggression in Sexual Homicide Offenders', *Journal of Criminal Justice*, 71 (2020), 101728 <<https://doi.org/10.1016/j.jcrimjus.2020.101728>>.

Australia that are specifically given to perpetrators of sexual violence. These programs include the following

Sexual Behavior Clinic (SBC) – A program for perpetrators who are considered to have a moderate to high risk of committing sexual offenses again. This is a high-intensity program with a duration of approximately 10 (ten) months. Sexual Behavior Clinic Moderate (SBC-mod) – Program for perpetrators who are assessed to be at moderate to low risk for re-sexual offenses. This is a moderate-intensity program with a duration of approximately 4 (four) months. Sexual Behavior Clinic me (SBC-me) – A program for perpetrators who are assessed to have a risk of sexual offenses from low to high risk who have been assessed to have cognitive impairment or brain injury. The duration of assistance and treatment is approximately 15 months.<sup>22</sup>

Australia is one of the countries with a modern and humanist criminal objective. Sentencing is not just retaliation and a temporary deterrent effect, but rather an effort to build awareness in the perpetrators so that they do not commit crimes and violate the law again. Programs built by the government and independent institutions outside the government aimed at preventing and repeating criminal acts are very helpful, especially for perpetrators to feel guilty, have empathy for victims and their families, and foster prosocial attitudes so that they can adapt to their environment again. and society.

The German state also has a special social therapy institution (sozialtherapeutische Haftanstalten) which is a special institution intended for prisoners who have been convicted of sexual crimes which aim to provide opportunities for prisoners to correct socialization deficiencies and prevent the recurrence of crimes. Prisoners have a constitutional right to receive rehabilitation or resocialization. In the 1973 Lebach Judgment which became the basis for The Prison Act 1976, rehabilitation is part of guaranteeing the rights of prisoners to maintain their human dignity. The Prison Act contains the rights of prisoners, namely rehabilitation and normalization, as well as provisions regarding prison conditions which as much as possible should resemble conditions outside prisons. Rehabilitation programs include educational, vocational, life skills, psychosocial, therapy, and recreational programs.

Norway is known as a country with a low recidivist rate of about 20% among several countries in the world. Penalties in Norway are used as therapy for prisoners without depriving them of their basic rights. The restorative justice-based rehabilitation program in Norway is an indicator of the government's success in reducing recidivism rates.

Recidivists are one of the impacts of the child's powerlessness to re-socialize in society as a responsible teenager during society's negative view of him as an ex-convict. According to Seiter, the main thing to note about the existence of ex-

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<sup>22</sup> Guillermo Prado and others, 'Rationale and Design for EHealth Familias Unidas Primary Care: A Drug Use, Sexual Risk Behavior, and STI Preventive Intervention for Hispanic Youth in Pediatric Primary Care Clinics', *Contemporary Clinical Trials*, 76 (2019), 64–71  
<<https://doi.org/10.1016/j.cct.2018.11.005>>.



convicts is the supervision of the community in the form of stability in support and special social services provided to them in the form of programs or activities that allow ex-convicts not to become recidivists. Therefore, children in LPKA must be nurtured and prepared to be accepted back into social life<sup>23</sup>.

Correctional institutions are not a place to punish and avenge children's deviant actions, but LPKA is expected to be a forum for educating children to become better individuals so that they will not commit acts that harm themselves and those around them. Based on Article 50 Paragraph (1) of Law Number 22 of 2022 concerning Corrections (hereinafter referred to as the Correctional Law) stipulates that based on the results of the Litmas, fostered children are given guidance in the form of education, personality development, and independence development. Personality development is in the form of activities aimed at mental and spiritual development, while independence development is in the form of skills training. Coaching is carried out by prioritizing the best interests of the fostered children.

Criminalizing a child without rehabilitation treatment will not help solve the problem or even change the child's behavior for the better. Rehabilitating child perpetrators of sexual violence can prevent the child from committing sexual offenses as an adult. Research reveals that 50% (fifty percent) of adult sexual offenders have committed sexual offenses when they were teenagers. The United States to reduce cases of sexual violence provides special treatment for juvenile sex offenders. The special treatment varies and is adjusted to the seriousness of the violation, the level of development of the child perpetrator, the number of victims involved, and the relationship between the perpetrator and the victim. There are several treatment models to control children's sexual desires healthily so that they will never engage in aggressive sexual behavior, including:<sup>24</sup>

Cognitive behavioral treatment is an effective framework for dealing with various psychological disorders. This method model sees that children need to learn other skills and behaviors to reduce their tendency to reenact their sexual behavior. Relapse prevention is a treatment that was originally designed for addictive substance abusers, although sexual offenses are not considered an addiction, this method is also appropriate for sexual offenders as a long-term behavior management strategy. This model helps offenders to control their emotions by teaching them to identify problematic situations and then resolve them. The Good Lives Model is a method that requires children with sexual behavior problems to learn adaptive skills and develop a healthy lifestyle to prevent re-offending.

Another method is to utilize restorative justice during the treatment process that emphasizes concern for the development of victim empathy, restitution, and the development of personal responsibility. Multisystemic Therapy (MST), The

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<sup>23</sup> Mita Dwijayanti, 'Diversi Terhadap Recidive Anak', *Rechtidee*, 12.2 (2017), 223–44 <<https://doi.org/10.21107/ri.v12i2.3244>>.

<sup>24</sup> Putri Kusuma Amanda, 'Juvenile Sex Offender Rehabilitation: How The Us Approach Can Help Indonesia Satisfy Its Commitment To Restorative Justice Principles', *Indonesia Law Review*, 4.1 (2014), 86 <<https://doi.org/10.15742/ilrev.v4n1.76>>.

researchers also highlighted the promise of Multisystem Therapy (MST) with adolescents who were sexually abused because the outcomes of juvenile sex offenders who received MST revealed much better than those who received individual therapy. In contrast to adolescents in individual therapy, those who received MST showed fewer behavioral problems, improved family and peer relationships, better academic performance, and decreased recidivism rates for both sexual and non-sexual crimes. In addition, family ward care also includes a kind of family therapy. Many of the offender's beliefs and thought constructions regarding sexuality, aggression, and gender generally have developed in the home environment. Family therapy provides an opportunity to understand the child better and correct these distortions.

Recovery of conditions and rehabilitation specifically for children who are perpetrators of sexual violence is very important considering that the occurrence of deviations in sexual behavior in children indicates a disorder in the child's brain system that can be at risk of repeating the act. According to neuroscience experts, the human brain is the center for controlling a person's behavior. In the human brain, there are two systems, namely the director system which is in the front of the brain (PreFrontal Cortex), and the limbic system or responder which is at the back of the brain. The part of a child's forebrain functions to think rationally, make decisions, delay desires, weigh risks, and assess and analyze. While the limbic system functions to regulate behavior, desires, emotions, memory, motivation, and homeostasis. In the limbic system, there is a dopamine substance that will produce when a person feels pleasure, satisfaction, and enjoyment. When children watch pornography that has caused a sense of pleasure, and enjoyment, then the child has activated dopamine in his brain. If the production of dopamine substances produces more than normal, until it meets the limbic system, then the substance will then flow to the front of the brain. When the forebrain is filled with dopamine, the brain no longer functions to think rationally or logically.

Medically, the child's brain structure is immature, but if it is contaminated with pornographic shows, even to the point of being addicted, it can cause the child to act without thinking. The child will react illogically because part of the child's brain is in emotional control which weakens his logic. It is the weakening of the child's logic center that encourages children to commit sexual violence, without knowing what the consequences will be <sup>25</sup>. Children who are perpetrators of crimes of sexual violence need special attention and action to restore their brain functions that have been addicted to pornography.

In 2018 at LPKA Blitar that LPKA Blitar has not provided specific guidance in the form of treatment and psychotherapy or clinical intervention to 89 children who have committed immoral crimes due to the unavailability of qualified resources in carrying out this. Coaching is only carried out in the form of cognitive counseling

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<sup>25</sup> Ulene Schiller, 'Child Sexual Abuse Allegations: Challenges Faced by Social Workers in Child Protection Organisations', *Practice*, 29.5 (2017), 347-60  
<<https://doi.org/10.1080/09503153.2016.1269884>>.

by providing awareness to students that their age is vulnerable to technological developments and their impacts.

Furthermore, in 2022 at LPKA Class II Yogyakarta that there has been no special guidance for children involved in cases of sexual abuse this is due to the lack of human resources officers and infrastructure. The coaching program is evenly distributed regardless of the background of the cases carried out by the children. The implementation of the coaching program carried out by LPKA Class II Yogyakarta officers is classified as ineffective because it has not been by the aspects and procedures that have been planned and the coaching program is not a priority in LPKA Class II Yogyakarta. Facts on the ground show that there are still many children who should follow the schedule of coaching activities that have been made, but at the same time, children are even employed to help the personal interests of officers.<sup>26</sup>

Judging from the two studies above, the rehabilitation of children involved in cases of sexual violence in Indonesia has not fully fulfilled the principle of the best interests of children and there is still a lack of awareness by the government and law enforcement officials about the importance of recovery for children who are perpetrators of sexual violence who have the risk of becoming recidivist.

The absence of regulations governing special rehabilitation for children in cases of sexual violence is also a factor in the non-fulfillment of the principle of the best interests of children. It should be that the development of children is following the principle of the best interests of the child, so there is a need for regulations that can be a guideline regarding the appropriate model of rehabilitation according to the needs of the child and the background of the problem and the guidance must be carried out by a qualified party in the field, namely psychologists.

## **Conclusion**

Based on the conclusions above, the authors provide the following suggestions, the need to develop the principle of humanism for law enforcement officers in handling cases of children, especially efforts to resolve through diversion. If the diversion effort does not reach an agreement, then the punishment imposed on the child must contain psychological and educational values so that the child can turn into a better person and in the future can play an active role as the next generation of the nation. The need to optimize the role of LPKA as a child development institution by equipping infrastructure and qualified human resources (psychologists) to provide special rehabilitation for child perpetrators of sexual violence to achieve a complete recovery. There is also a need for special training programs that are appropriate for children who are perpetrators of sexual violence for psychological recovery and changes in children's behavior to reduce the risk of becoming recidivists.

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<sup>26</sup> Andry Harijanto, Siti Hatikasari, and Juliet Musabula, 'The Model of Legal Protection for Children Victims of Domestic Violence', 2.2 (2022), 100-112  
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