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Reconstructing the Protection of Child Victims of Sexual Crimes from the Perspective of Progressive Victimology and Restorative Justice

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ABSTRACT
Sexual crimes against children constitute a serious violation of human rights and represent a complex issue due to their multidimensional impacts, encompassing not only physical harm but also long-term psychological trauma and social development disruption. Within the national legal framework, Indonesia has established various regulatory instruments aimed at protecting child victims. However, in practice, numerous structural and cultural challenges persist. Issues such as revictimization during judicial processes, social stigma attached to victims, and a criminal justice system that remains predominantly offender-oriented indicate that the existing protection mechanisms are not yet optimal. This study aims to reconstruct a model for the protection of child victims of sexual crimes through the perspectives of progressive victimology and restorative justice. The research employs a normative juridical method, utilizing both statutory and conceptual approaches, supported by an extensive literature review of relevant academic works and legal regulations. The findings reveal that progressive victimology emphasizes the position of victims as central subjects who are entitled to comprehensive recovery, including psychological, social, and economic aspects. Meanwhile, restorative justice offers a more humane approach to dispute resolution by promoting dialogue, social reconciliation, and the accountability of offenders toward victims. Therefore, a reconstruction of the child protection system is necessary, one that is integrative, victim-centered, and oriented toward the best interests of the child. This can be achieved through strengthening victim-based approaches and implementing restorative justice in a selective and well-regulated manner within the criminal justice system.

Keywords: Child Protection; Sexual Crimes; Progressive Victimology; Restorative Justice; Victim Recovery

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INTRODUCTION

Sexual crimes against children represent one of the most severe and complex forms of human rights violations in contemporary society. As individuals who have not yet reached full physical, psychological, and social maturity, children are particularly vulnerable to various forms of violence, including sexual abuse. In this context, sexual crimes should not merely be viewed as violations of criminal law norms, but also as a denial of children's fundamental rights to grow and develop in a safe and supportive environment. The consequences of such crimes are multidimensional, encompassing physical harm, long-term psychological trauma, and disruptions in the victim's future social relationships (Muhammad & Ilyasa, 2022).

In Indonesia, the incidence of sexual violence against children continues to show an alarming trend. Despite numerous preventive measures and legal enforcement efforts, such cases remain prevalent and, in many instances, appear to be increasing both in reported and unreported forms. The high "dark figure of crime" in these cases is largely influenced by factors such as fear, intimidation by perpetrators, and the social stigma attached to victims and their families. As a result, many victims fail to obtain adequate legal protection and recovery support (Yustiningsih, 2020).

From a legal standpoint, the state has established a relatively comprehensive framework to protect child victims of sexual crimes. This includes provisions under the Child Protection Law, the Law on Sexual Violence Crimes, and various implementing regulations. Normatively, these legal instruments regulate victims' rights, case-handling mechanisms, and sanctions for perpetrators. However, in practice, these regulations have not fully ensured the effective fulfillment of victims' rights.

One of the central issues in the current system is the dominance of a retributive paradigm within the criminal justice system. This approach primarily focuses on punishing offenders, often at the expense of adequately addressing the needs and interests of victims. In many instances, victims experience additional suffering due to lengthy, complicated, and child-unfriendly legal processes. Repeated examinations, direct confrontation with perpetrators, and the lack of psychological support can lead to revictimization where victims relive trauma as a consequence of the legal proceedings (Yustiningsih, 2020).

Furthermore, social stigma constitutes a significant barrier to effective protection for child victims of sexual crimes. Victims are frequently perceived as "tainted" or even blamed for the incidents they have experienced. Such societal attitudes not only exacerbate the psychological burden on victims but also hinder their recovery and access to justice. Therefore, a paradigm shift is required, not only at the normative level but also within the cultural perspectives of society in understanding victims of sexual violence, particularly children (Prasasty et al., 2025).

In this regard, victimology as a field of study focusing on crime victims plays a crucial role in developing a more victim-oriented approach. Victimology examines not only the characteristics of victims but also the relationship between victims and offenders, as well as the responses of the legal system toward victims. The evolution of modern victimology has given rise to the concept of progressive victimology, which positions victims as central subjects within the criminal justice system. This approach emphasizes the comprehensive fulfillment of victims' rights, including protection, recovery, and participation in legal processes (Natalia, 2018).

Progressive victimology also rejects victim-blaming perspectives and encourages legal systems to be more sensitive to victims' conditions, especially those of children. Within this framework, protecting child victims of sexual crimes goes beyond imposing sanctions on perpetrators; it must also include comprehensive recovery efforts. Such recovery encompasses psychological, social, and economic dimensions, enabling victims to rebuild their lives with dignity.

Aligned with the principles of progressive victimology, the concept of restorative justice has emerged as a relevant approach in addressing criminal cases, including sexual crimes against children. Restorative justice emphasizes repairing the harm suffered by victims, restoring social relationships, and ensuring

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accountability of perpetrators. This approach involves victims, offenders, and the community in a dialogical process aimed at achieving fair and sustainable resolutions (Aprilianda, 2017).

Unlike the retributive model, which prioritizes punishment, restorative justice focuses on humane, forward-looking solutions. In the context of child victims, this approach provides an opportunity for victims to express their experiences and needs, while facilitating more meaningful recovery. However, its application in cases of sexual violence against children must be approached with caution, given the risks of power imbalances and potential pressure on victims (Hafidzah & Triono, 2025).

Despite offering a more humane and victim-centered perspective, the implementation of progressive victimology and restorative justice in Indonesia still faces significant challenges. One major issue is the lack of optimal integration of these approaches within both legal frameworks and law enforcement practices. Additionally, the capacity of law enforcement officials to understand and apply victim-based approaches remains limited. Weak inter-agency coordination, resource constraints, and the absence of standardized operational procedures further hinder the realization of effective protection for child victims.

On the other hand, global developments indicate a growing tendency to integrate victimological and restorative justice approaches into criminal justice systems. This trend aligns with the principle of "the best interests of the child," which requires that all decisions and actions concerning children prioritize their welfare and future well-being. Consequently, reconstructing the system for protecting child victims of sexual crimes has become an urgent necessity to achieve substantive and sustainable justice.

Based on the foregoing discussion, it is evident that the issue of protecting child victims of sexual crimes extends beyond legal dimensions, encompassing social, psychological, and cultural aspects. Therefore, a comprehensive and multidisciplinary approach is required to formulate effective solutions. The reconstruction of child protection through the lens of progressive victimology and restorative justice is expected to offer a more responsive model that addresses victims' needs while overcoming existing systemic weaknesses.

Accordingly, this study is essential to explore in depth the concepts of progressive victimology and restorative justice, as well as their relevance in protecting child victims of sexual crimes. Furthermore, this research aims to develop an integrative, humane, and child-centered model of protection. The findings are expected to contribute both theoretically to the development of legal science particularly in victimology and criminal law and practically to the formulation of policies and law enforcement practices that are more responsive to victims' needs.

The central research gap is not whether restorative justice is desirable in the abstract, but whether victim-centered recovery can be reconciled with non-derogable safeguards and the statutory prohibition on out-of-court settlement of sexual violence crimes. This article therefore distinguishes restorative values (recognition, repair, access to services) from restorative case disposition (diversion or settlement). Its original contribution is a legally bounded, trauma-informed screening framework rather than a generalized endorsement of mediation between a child victim and an alleged perpetrator.

METHODS

This study employs a normative juridical approach, which focuses on examining existing legal norms and principles related to the protection of child victims of sexual crimes. This method is selected because the research aims to analyze and reconstruct the concept of legal protection based on statutory regulations and relevant legal doctrines. Normative legal research also emphasizes the study of legal principles, systematics, and harmonization in order to identify solutions to existing legal issues (Saebani, 2023).

The approaches applied in this research include the statutory approach and the conceptual approach. The statutory approach involves reviewing various laws and regulations governing child protection and the handling of sexual crimes, both general and specific in nature. Meanwhile, the conceptual approach is used to analyze theories of progressive victimology and restorative justice as the foundation for developing a

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reconstructed model of protection for child victims. By integrating these two approaches, the research seeks to achieve a comprehensive understanding of the issues under study.

The types and sources of legal materials in this study consist of primary, secondary, and tertiary legal materials. Primary legal materials include legislation related to child protection and sexual offenses. Secondary legal materials comprise scholarly works such as academic books, national journals, and prior research relevant to the topic. Tertiary legal materials include legal dictionaries, encyclopedias, and other supporting references that assist in clarifying the terms and concepts used in this research.

The collection of legal materials is conducted through library research, which involves gathering, reviewing, and analyzing literature relevant to the research topic. This process is carried out systematically to ensure that the data obtained are valid and relevant. In addition, the researcher examines indexed national scientific journals to strengthen the arguments and analysis developed in this study.

The analysis of legal materials is performed qualitatively using a descriptive-analytical method. The descriptive aspect aims to illustrate the existing conditions of legal protection for child victims of sexual crimes, while the analytical aspect seeks to identify weaknesses and formulate a more ideal reconstruction model. The analysis process involves interpreting the collected legal materials and linking them to the theories of progressive victimology and restorative justice as the primary analytical framework.

Through this methodology, the study is expected to provide a comprehensive overview of the issues surrounding the protection of child victims of sexual crimes and to produce constructive recommendations for reconstructing a protection system that is more humane, integrated, and oriented toward the best interests of the child.

The primary legal materials comprise Article 28B(2) of the 1945 Constitution; Law No. 23 of 2002 on Child Protection as amended by Law No. 35 of 2014 and Law No. 17 of 2016; Law No. 12 of 2022 on Sexual Violence Crimes (particularly Articles 23 and 66); Law No. 11 of 2012 on the Juvenile Criminal Justice System; Law No. 13 of 2006 on Witness and Victim Protection as amended by Law No. 31 of 2014; Government Regulation No. 43 of 2017 on Restitution for Child Victims of Crime; and the Convention on the Rights of the Child, ratified through Presidential Decree No. 36 of 1990. International interpretive guidance includes ECOSOC Resolution 2005/20 on child victims and witnesses and ECOSOC Resolution 2002/12 on restorative justice programmes. These international guidelines are treated as persuasive standards, not as Indonesian statutes. The statutory approach compares the scope, legal hierarchy, and safeguards of these instruments; the conceptual approach operationalizes progressive victimology through participation, non-discrimination, protection from secondary victimization, recovery, and effective remedies. A qualitative, prescriptive legal analysis then tests each proposed restorative intervention against legality, age and power asymmetry, trauma risk, voluntariness, independent representation, and continuing criminal accountability. The analysis is doctrinal; claims about institutional performance drawn from secondary studies are not presented as original field findings.

RESULTS AND DISCUSSION

The Concept of Progressive Victimology in the Protection of Child Victims

Progressive victimology represents an advanced development of classical victimology, shifting the position of victims from merely being objects of study to becoming subjects with rights and interests that must be comprehensively protected within the criminal justice system. From this perspective, the focus is not limited to understanding how a crime occurs, but also extends to how the state and society respond in ways that are fair, humane, and oriented toward the victim's recovery. This approach is particularly relevant in cases of sexual crimes against children, given their vulnerability and the long-term, complex impacts such crimes impose (Harahap, 2016).

Within the framework of progressive victimology, child victims of sexual crimes are recognized as individuals entitled to legal protection, psychological recovery, social rehabilitation, and the assurance of a dignified and sustainable life. These rights should not remain merely declarative as stated in legal provisions, but must be realized concretely through policies and law enforcement practices that are responsive to victims' needs. This highlights that protection for child victims must go beyond normative frameworks and address substantive dimensions that are directly experienced by the victims themselves (Permana et al., 2025).

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Furthermore, progressive victimology firmly rejects the practice of victim blaming, which involves attributing responsibility to victims for the crimes committed against them. In many cases of sexual violence, particularly involving children, victims often face social stigma that worsens their psychological condition. This perspective seeks to transform the attitudes of both society and law enforcement officials by promoting empathy and ensuring that victims are not held accountable for the harm they have suffered. In doing so, progressive victimology advocates for a legal system that is more sensitive to the psychological and social realities of victims (Putra & Hermawan, 2021).

In addition, this approach emphasizes the importance of victim participation in the criminal justice process. Child victims should not be treated solely as witnesses but as individuals who have the right to be heard, involved, and protected throughout legal proceedings. Such participation must be supported by special protective measures, including psychological assistance, child-friendly examination procedures, and limited direct interaction with perpetrators to prevent retraumatization or revictimization (Herzalianty, 2026).

From an implementation standpoint, progressive victimology also calls for the integration of multidisciplinary victim protection services. This means that safeguarding child victims of sexual crimes is not solely the responsibility of law enforcement authorities but requires the involvement of various professionals, including psychologists, social workers, medical personnel, and child protection institutions. Such collaboration is essential to ensure that the recovery process is holistic, addressing the physical, psychological, and social needs of the victim (Huda, 2018).

Indonesian legislation partly embodies progressive victimology. Article 66 of Law No. 12 of 2022 expressly recognizes victims' rights to handling, protection, and recovery; the Child Protection Law requires special protection for children subjected to sexual violence; and the witness-and-victim protection framework supports assistance and access to remedies. These provisions move beyond viewing a child solely as evidentiary material. Yet legal recognition and effective realization are distinct: a child may possess a formal right to trauma-sensitive treatment while encountering repeated interviews, fragmented referrals, delays in restitution, or pressure from family and community. Such implementation risks require empirical substantiation in future research and should not be mistaken for proof that the statutes themselves omit those rights.

A progressive reading must also recognize the limits of participation. The child's views should be heard in an age-appropriate manner, but apparent consent cannot validate intimidation, a coerced settlement, or the withdrawal of criminal accountability where the law prohibits it. The best-interests principle requires an individualized safety assessment and access to independent support, not a presumption that reconciliation or direct dialogue is therapeutic.

Restorative Justice as a Model for Victim Recovery

A threshold-based distinction is essential. First, age-appropriate educational and therapeutic responses to non-criminal, non-coercive problematic conduct among peers may be considered without labelling the response a criminal settlement. Second, where an alleged offender is a child, any diversion or restorative procedure must be assessed under Law No. 11 of 2012 together with the specific restrictions of Law No. 12 of 2022; the exception in Article 23 is not an automatic authorization of mediation. Third, adult-perpetrated sexual violence against a child cannot be terminated through an out-of-court peace agreement under Article 23. Serious coercion, grooming, authority dependence, intimidation, repeated abuse, or credible risk of retaliation contraindicate victim–offender encounters; independent recovery services may still incorporate restorative values without face-to-face contact.

The proposed screening protocol requires cumulative safeguards: (i) a clear lawful procedural basis; (ii) independent assessment of coercion, grooming, dependency, and trauma by child-protection professionals; (iii) child-sensitive information and meaningful, non-coerced participation with independent representation; (iv) protection against confrontation and repeated disclosure; (v) access to medical, psychological, social, and restitution services regardless of agreement; and (vi) an enforceable stop rule whenever safety or autonomy deteriorates. Failure on legality or safety ends consideration of victim–offender dialogue. Restorative language must never be used to pressure the child into forgiveness or to replace prosecution when prosecution is required.

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Restorative justice is a paradigm within the criminal justice system that emphasizes repairing the harm caused by criminal acts through the active involvement of offenders, victims, and the community. Unlike the retributive approach, which primarily focuses on punishing offenders, restorative justice seeks to resolve conflicts constructively, with the main objective of restoring the victim's condition and repairing the social relationships disrupted by the crime. In this framework, justice is not solely defined as the imposition of sanctions, but also as a fair and sustainable process of recovery for all parties involved (Anggelina et al., 2024).

This approach adopts a victim-centered perspective, placing the needs and interests of victims at the forefront of the resolution process. Victims are given the opportunity to express their experiences, suffering, and expectations regarding the outcome of their cases. Restorative justice not only acknowledges the harm suffered by victims but also encourages offenders to take direct responsibility through actions such as apologies, restitution, and participation in rehabilitation programs (Flora, 2018).

Restorative justice programmes may involve facilitated dialogue in some categories of criminal cases, but such mechanisms cannot be presumed lawful or appropriate for child sexual violence. Under Article 23 of Law No. 12 of 2022, sexual violence cases may not be resolved outside judicial proceedings except as provided for child offenders under applicable law. Consequently, this study does not propose penal mediation, family conferencing, or reconciliation as substitutes for prosecution. Independent trauma-informed support and victim recovery should be available without requiring contact with an alleged perpetrator.

However, the application of restorative justice in cases of sexual crimes against children requires a high degree of caution. This is due to the deeply traumatic and complex nature of such crimes. Child victims are in particularly vulnerable positions, both psychologically and socially, which may create significant power imbalances between victims and perpetrators. In certain situations, victims may feel pressured to accept out-of-court settlements without achieving genuine recovery (Sunggara, 2023).

Therefore, the use of restorative justice in cases involving child sexual abuse must be carefully limited and guided by the principle of the best interests of the child. This principle requires that all decisions and actions prioritize the protection, safety, and well-being of the child as a victim. Consequently, not all cases are suitable for restorative approaches, particularly those involving severe violence, unequal power relations, or potential threats to the victim's safety.

Moreover, the effectiveness of restorative justice largely depends on the readiness of institutions and the competence of the human resources involved. Law enforcement officials, mediators, and support personnel must possess a strong understanding of victim-oriented approaches, as well as communication skills that are sensitive to children's conditions. Without adequate capacity, restorative processes may risk producing negative outcomes, such as revictimization or injustice for victims (Azizah & Suarda, 2023).

Victim-centred recovery may incorporate restorative values such as acknowledgment of harm, accessible remedies, and meaningful participation without a victim–offender meeting. Any legally permissible juvenile process must undergo independent safeguarding assessment and cannot require forgiveness, direct confrontation, or withdrawal of statutory protections. Claims that restorative interventions prevent reoffending or heal trauma require empirical evidence and are not established by this doctrinal analysis.

Weaknesses in the Current Child Protection System

Although Indonesia has established a relatively comprehensive legal framework for protecting child victims of sexual crimes such as through the Law on Sexual Violence Crimes and the Child Protection Law its implementation in practice continues to face various structural, cultural, and substantive challenges. This condition reflects a gap between the law as it is written (das sollen) and how it is applied in reality (das sein). Such a discrepancy indicates that the existing protection system has not yet been fully effective in delivering justice that prioritizes the best interests of child victims (Sambas, 2012).

One of the primary weaknesses lies in the lack of effective coordination among institutions involved in handling cases of sexual crimes against children. Ideally, such cases require the involvement of multiple actors, including the police, prosecutors, courts, child protection agencies, as well as medical and psychological professionals. However, in practice, coordination among these entities is often inadequate, resulting in delayed, fragmented, and poorly integrated case handling. This institutional fragmentation also

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affects the quality of recovery services, preventing victims from receiving comprehensive and holistic support (Daniel et al., 2025).

Another significant issue is the limited understanding among law enforcement officials regarding victim-oriented perspectives. In many instances, authorities still adopt a formalistic approach that prioritizes the fulfillment of legal elements over the psychological condition of the victim. As a result, examination procedures may disregard the child's trauma, such as through repetitive and sensitive questioning or direct confrontation with the perpetrator. These practices can impose additional psychological burdens and exacerbate the victim's existing trauma (Frensh, 2022).

Beyond structural challenges, cultural factors also play a crucial role in shaping the effectiveness of child protection systems. Persistent social stigma often discourages victims from reporting incidents of sexual violence. Victims are frequently perceived as bringing shame upon their families or are even blamed for the abuse they have suffered. Such attitudes not only hinder access to justice but also intensify the victim's psychological distress. In many cases, social pressure leads victims to remain silent, allowing perpetrators to evade legal accountability (Setyawan, 2025).

Another critical weakness is the high risk of revictimization within the criminal justice process. Revictimization occurs when victims experience renewed trauma due to insensitive treatment during legal proceedings. This can arise at various stages, from investigation to trial. For instance, victims may be required to repeatedly recount their experiences before different authorities or face the perpetrator directly without adequate protection. These conditions demonstrate that the criminal justice system has not yet fully implemented child-friendly justice principles (Irhamdessetya, 2024).

To provide a clearer overview, the following table outlines key weaknesses in the child protection system and their impacts on victims:

Table 1. Weaknesses and Impacts of the Child Protection System

No	System Weakness	Impact on Victims
1	Child-unfriendly judicial processes	Repeated trauma (revictimization)
2	Social stigma	Victims are reluctant to report
3	Limited restitution mechanisms	Losses are not adequately compensated
4	Offender-focused approach	Victims' rights are neglected

The table illustrates that each systemic weakness directly affects the condition of victims. For example, judicial processes that are not child-friendly contribute to repeated trauma, which can hinder psychological recovery. Similarly, strong societal stigma discourages victims from reporting their experiences, resulting in many cases remaining hidden.

Furthermore, the limited implementation of restitution mechanisms indicates that victims' rights to compensation have not been adequately fulfilled. Restitution should serve as a key instrument in supporting both the economic and psychological recovery of victims. However, in practice, such mechanisms are rarely applied effectively, leaving victims without proper compensation.

At the same time, the criminal justice system's continued emphasis on the offender often leads to the marginalization of victims' needs. Legal processes tend to focus on proving the perpetrator's guilt and imposing punishment, while insufficient attention is given to the recovery and well-being of the victim. This demonstrates that the system has not yet fully embraced a victim-centered approach in addressing cases of sexual violence against children.

In light of these issues, it is evident that the current system for protecting child victims of sexual crimes in Indonesia requires fundamental reform. Reconstruction efforts must extend beyond regulatory improvements to include shifts in legal paradigms, enhancement of law enforcement capacity, and stronger inter-institutional coordination. Without comprehensive reform, protection for child victims will remain partial and insufficient to achieve substantive justice.

Table 1 is an original authorial synthesis of the doctrinal and socio-legal literature, not a statistical estimate of prevalence or causation. Its first row concerns procedural design: repeated testimony and unsafe

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confrontation may produce secondary victimization, which calls for coordinated, trauma-informed interviewing. The second row addresses community power: shame, dependency on the offender, and fear of retaliation can suppress reporting, so confidentiality and independent assistance are indispensable. The third row concerns remedial access: restitution requires a legally usable claim, proof of loss, and effective enforcement rather than merely a formal entitlement. The fourth row concerns institutional incentives: a narrow focus on conviction statistics can marginalize continuity of care and the child's informed participation. Each relationship is a risk pathway to be evaluated, not an empirically measured effect in this normative study.

Reconstruction of a Protection Model Based on Progressive Victimology and Restorative Justice

Reconstructing the protection system for child victims of sexual crimes is an urgent necessity to address the existing shortcomings, which remain fragmented, overly formalistic, and insufficiently oriented toward victims' needs. In this context, reconstruction should not be understood merely as normative changes to legal regulations, but also as a broader transformation of the criminal justice paradigm one that places victims, particularly children, at the center of justice. Therefore, integrating the principles of progressive victimology and restorative justice becomes a crucial foundation for developing a more humane, comprehensive, and equitable protection model (Nuryanto, 2024).

Progressive victimology emphasizes that victims are not merely objects of criminal acts, but legal subjects entitled to protection, participation, and comprehensive recovery. Within this framework, reconstruction must begin with a shift in orientation from an offender-centered system to one that prioritizes victims. This includes strengthening victims' rights at every stage of the legal process, from reporting and investigation to trial proceedings and post-judgment phases (Pandiangan, 2024).

At the same time, restorative principles can complement lawful criminal accountability by guiding recognition of harm, restitution, and coordinated recovery services. They do not create an independent legal basis for out-of-court resolution of sexual violence. The proposed reconstruction therefore prioritizes victim protection and trauma-informed recovery, with any diversion involving a child offender subject to the Juvenile Criminal Justice System Law and Article 23 of the Sexual Violence Crimes Law.

Conceptually, the reconstructed protection model for child victims of sexual crimes can be structured around several key pillars. First, the adoption of a victim-centered approach throughout all stages of the legal process. This approach requires that all policies and actions by law enforcement authorities consider the condition, needs, and best interests of the child. Its implementation may include child-friendly interview environments, trauma-informed questioning techniques, and the provision of professional support from psychologists and social workers (Rizkianto, 2025).

Second, the strengthening of holistic recovery mechanisms. Recovery should not be limited to legal aspects but must also address psychological, social, and economic dimensions. In this regard, the state must ensure the availability of integrated services involving child protection agencies, healthcare professionals, psychologists, and community organizations. Psychological recovery is particularly crucial, as the trauma experienced by child victims of sexual crimes can have long-term effects on their development and overall quality of life (Christianto, 2022).

Third, the optimization of restitution and compensation mechanisms as forms of offender accountability. Restitution should function not only as financial compensation but also as recognition of the harm suffered by the victim. However, in practice, restitution mechanisms remain underutilized and ineffective, highlighting the need for stronger regulatory frameworks and implementation strategies to ensure that victims' rights are fully realized.

Fourth, the development of a child-friendly justice system. This system prioritizes protecting children from any form of treatment that may cause additional trauma during legal proceedings. Its implementation includes limiting direct contact between victims and perpetrators, utilizing technologies such as video conferencing during trials, and simplifying legal procedures to avoid prolonged processes. Such measures are essential to significantly reduce the risk of revictimization.

Fifth, the enhancement of cross-sectoral collaboration in handling cases of sexual crimes against children. Effective protection cannot be achieved through isolated efforts by a single institution; rather, it requires coordinated cooperation among law enforcement agencies, government institutions, non-governmental

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organizations, and the broader community. This collaboration is vital to ensure that all stages of case handling are integrated and consistently oriented toward victim recovery.

To illustrate the distinction between the existing protection system and the proposed reconstruction model, the following comparison is presented:

Table 2. Comparison between the Existing Protection System and the Reconstruction Model.

No	Aspect	Existing System	Reconstruction Model
1	Orientation	Offender-centered	Victim-centered
2	Approach	Retributive	Restorative and humane
3	Role of Victim	Passive (as witness)	Active (as a legal subject)
4	Recovery	Limited	Holistic (psychological, social, economic)
5	Coordination	Fragmented	Integrated across sectors

The table demonstrates that the proposed reconstruction model introduces substantial changes across multiple dimensions of child protection. These changes are not merely technical but reflect a deeper transformation of legal paradigms toward achieving substantive justice.

Table 2 is an original conceptual synthesis proposed by the authors; its "existing system" column describes recurrent risks discussed in the literature, not a universal description of every Indonesian institution. Orientation changes when recovery outcomes are assessed alongside lawful offender accountability. The approach shifts from punishment alone toward trauma-informed recovery, without treating restorative settlement as available for all sexual offenses. Participation means an age-appropriate right to be heard with safeguards, not compulsory engagement with the offender. Holistic recovery requires continuity across psychological, medical, social, and economic services. Integrated coordination requires clear referral responsibilities and information-sharing safeguards. These five dimensions together make the model operational and evaluable.

In conclusion, reconstructing the protection system for child victims of sexual crimes through the integration of progressive victimology and restorative justice represents a strategic step toward establishing a more responsive, humane, and equitable legal system. This model is expected not only to provide more effective protection for victims but also to contribute to the development of a criminal justice system that is more adaptive to the evolving needs of society.

CONCLUSION

Indonesia has developed substantial statutory guarantees for child victims of sexual crimes, yet normative recognition alone cannot establish their effective implementation. Secondary literature identifies potential institutional, cultural, and procedural obstacles, including fragmented referrals, stigma, and secondary victimization. As a doctrinal study, this article treats these as documented concerns and hypotheses for further empirical assessment, not as newly measured findings.

Progressive victimology requires that child victims be treated as rights-holders entitled to participation, protection, and holistic recovery. Restorative values may support those entitlements but must not be equated with mediation or out-of-court settlement. The model proposed here subjects any contemplated offender-involving process to a cumulative legality and child-safety test, preserving criminal accountability where required.

Crucially, this model does not recommend mediation or out-of-court settlement as a general response to child sexual violence. Article 23 of Law No. 12 of 2022 establishes the controlling prohibition, subject to its child-offender exception under applicable law. Restorative values should primarily inform protection and recovery, while any juvenile diversion requires a separate legality and safety assessment.

Accordingly, there is a pressing need to reconstruct the protection system for child victims of sexual crimes through comprehensive and sustainable reforms. Such efforts should include strengthening victim-centered approaches, ensuring holistic recovery, optimizing restitution mechanisms, developing child-friendly justice systems, and enhancing cross-sectoral coordination. Through these reforms, it is expected that Indonesia's

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legal system can move beyond merely formal justice toward achieving substantive justice, while providing more effective and meaningful protection for children as victims of sexual violence.

REFERENCE

Anggelina, Devina, Fakultas Hukum, and Universitas Bangka Belitung. "Penerapan Konsep Keadilan Restorative Justice Pada Korban Tindak Pidana Ringan" 4 (2024): 9191–9201.

Aprilianda, Nurini. "Perlindungan Anak Korban Kekerasan Seksual Melalui Pendekatan Keadilan Restoratif," no. September 1985 (2017).

Azizah, Ainul, and I Gede Widhianan Suarda. "Prinsip Keadilan Restoratif Dalam Penghentian Penuntutan Perkara Pidana Berdasarkan Peraturan Jaksa Agung Nomor 15 Tahun 2020" 2, no. 2 (2023).

Agustina Wati dan Aristya Windiana Pamuncak Bella Harviani Prasasty. "PERLINDUNGAN HUKUM TERHADAP ANAK KORBAN EKSPLOITASI SEKSUAL KOMERSIAL BERDASARKAN KAJIAN VIKTIMOLOGI LEGAL" 6, no. 7 (2025): 1–26.

Daniel, T. C., Borman, M. S., Sidarta, D. D., & Handayati, N. "KELEMAHAN PERLINDUNGAN HUKUM BAGI KORBAN KEKERASAN ANAK DIBAWAH UMUR DALAM KELUARGA," 142–51 https://ejournal.unitomo.ac.id/index.php/hukum/article/view/10170/4730 Vol. 9 No. 1 (2025): March

Flora, Henny Saida. "KEADILAN RESTORATIF SEBAGAI ALTERNATIF DALAM PENYELESAIAN TINDAK PIDANA DAN PENGARUHNYA DALAM SISTEM PERADILAN PIDANA DI INDONESIA Henny" 3, no. 2 (2018): 142–58.

Frensh, Wenggedes. "KELEMAHAN PELAKSANAAN KEBIJAKAN KRIMINAL TERHADAP CYBERBULLYING ANAK DI INDONESIA" 1, no. 2 (2022).

Hafidzah, Kiki Diah, and Agus Triono. "Model Restitusi Sosial Anak Korban Perkosaan Untuk Mewujudkan Keadilan Hukum," 2025, 5297–5310.

Harahap, Irwan Safaruddin. "Perlindungan Hukum Terhadap Anak Korban Kejahatan Seksual Dalam Perspektif Hukum Progresif," no. 32 (2016) https://journal.umy.ac.id/index.php/jmh/article/view/1924/1913 37-47.

HARTADHI CHRISTIANTO, S.H. M.H. "Rekonstruksi Dalam Perlindungan Hukum Terhadap Korban Tindak Pidana Perdagangan Orang Dalam Sistem Peradilan Pidana Yang Berbasis Nilai Keadilan," 2022.

HERZALIANTY, RIKA AFRA. "KAJIAN VIKTIMOLOGI PERLINDUNGAN HUKUM TERHADAP ANAK KORBAN KEKERASAN SEKSUAL (Studi Putusan Perkara Nomor: 294/Pid.Sus/2023/PN Jkt.Pst)," 2026.

Irhamdessetya, Hani. "REKONSTRUKSI REGULASI PERLINDUNGAN SAKSI DAN KORBAN DALAM PERSPEKTIF SISTEM PERADILAN PIDANA BERBASIS NILAI KEADILAN RESTORATIF," 2024.

Mochammad Aditya Permana, Dewi Iryani, Hartana. "KONSEP VIKTIMOLOGI TERHADAP KORBAN TINDAK PIDANA TERORISME DENGAN PENDEKATAN PENAL DAN NON PENAL" 7, no. 5 (2025): 312–21.

Muhammad, Raden, and Arvy Ilyasa. "Kajian Hukum Dan Viktimologi Dalam Kasus Kekerasan Seksual Pada Anak Di Indonesia Legal Studies and Victimology in Sexual Violence against Children in Indonesia" 2, no. 1 (2022): 25–42.

Natalia, Lasma. "ASPEK VIKTIMOLOGI DALAM PENYUSUNAN SURAT DAKWAAN PADA PENANGANAN KASUS KEKERASAN SEKSUAL" 3, no. 15 (2018). https://doi.org/10.23920/jbmh.v3n1.6.

Nuryanto, Nugroho T R I, and Fakultas Hukum. "PENDEKATAN RESTORATIVE DALAM PENGHENTIAN PENUNTUTAN BERDASARKAN KEADILAN RESTORATIF," https://ejournal.undip.ac.id/index.php/hukum_progresif/article/view/37774 2024.

PANDIANGAN, LINDUNG. "Rekonstruksi Regulasi Kewenangan Advokat Dalam Sistem Peradilan Pidana Berbasis Nilai Keadilan Restoratif," 2024.

Putra, T. P. B., & Hermawan, S. Prosiding Seminar Nasional Artificial Dalam Bidang Hukum Di Era Teknologi Informasi: Tantangan Dan Peluang, 2021.

RIZKIANTO, KUS. "REKONSTRUKSI REGULASI HAK KORBAN TINDAK PIDANA DALAM SISTEM PERADILAN PIDANA DI INDONESIA BERBASIS KEADILAN," 2025.

S.H, M. CHOIRUL HUDA. "PERLINDUNGAN HUKUM TERHADAP KORBAN KEJAHATAN DITINJAU DARI HUKUM PROGRASIF," 2018.

Saebani, B. A. Metode Penelitian Hukumn Pendekatan Yuridis Normatif., 2023.

Sambas, Nandang, and Fakultas Hukum Unisba. "Kebijakan Legislasi Sistem Pemidanaan Sebagai Upaya Perlindungan Hukum Terhadap Anak Di Indonesia" 19, no. 3 (2012): 382–400.

SETYAWAN. "Perlindungan Hukum Terhadap Anak Pelaku Tindak Pidana Dalam Sistem Peradilan Di Indonesia," 2025.

SIMATUPANG, IKHWALUDDIN. "REKONSTRUKSI HAK KORBAN PERSEORANGAN DALAM PENUNTUTAN TERDAKWA BERBASIS NILAI KEADILAN DAN KEMANFAATAN," 2021.

Sunggara, Muhamad Adystia. "Tindak Pidana Lalu Lintas: Menggagas Model Keadilan Restoratif Di Ruang Publik" 1, no. 2 (2023): 148–58.

Yustiningsih, Indriastuti. "Perlindungan Hukum Anak Korban Kekerasan Seksual Dari Reviktimisasi Dalam Sistem Peradilan Pidana," (2020) https://journal.uii.ac.id/Lex-Renaissance/article/view/17206/pdf: 287–306.

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