

CAUSAL FACTORS AND IMPACTS OF SEXUAL VIOLENCE AGAINST CHILDREN, AND THE URGENCY OF LAW NUMBER 12 OF 2022 FOR VICTIMS

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Received 02 Dec 2025 • Revised 31 Dec 2025 • Accepted 21 Jan 2026

Abstract

Sexual violence is a violation of the law involving sexual acts without the victim's consent, whether physical or non-physical, including harassment, sexual exploitation, coercion, and electronic-based violence. Regulations regarding this criminal act are stipulated in Law Number 12 of 2022 concerning Sexual Violence Crimes. Article 4 paragraph (2) states that non-physical actions such as gestures, writing, or words related to a person's body parts or sexual desires can be subject to criminal sanctions as a form of non-physical sexual harassment. This research aims to provide a comprehensive overview of sexual violence crimes and formulate recommendations to promote the optimal implementation and enforcement of the law. This research uses a normative legal method by examining relevant laws and regulations and literature. The research findings indicate that sexual violence is influenced by various complex factors, including gender inequality, patriarchal social norms, a lack of education about sexuality and the law, and a weak law enforcement and victim protection system. This finding confirms the need to strengthen regulations, public education, and protection mechanisms to reduce the number of sexual violence cases and ensure justice for victims.

Keywords: Non-Physical Sexual Harassment, Law Enforcement, Sexual Violence, Victim Protection

INTRODUCTION

Sexual violence is an increasingly discussed phenomenon, both in developed and developing countries like Indonesia. The high level of attention given to this issue indicates that cases of sexual violence continue to increase and have been explicitly categorized as criminal offenses. Acts of sexual violence not only include physical actions such as beating, murder, or assault, but also non-physical behaviors that are degrading, harassing, and indecent or hurtful speech. Thus, the scope of sexual violence is very broad and involves various forms of violation against a person's bodily and psychological integrity.

Various factors contribute to the occurrence of sexual violence, and each case has different characteristics. These factors are not always the same from one event to another, in terms of both type and level of influence, because each perpetrator has different motivations for their actions (Setiawan & Purwanto, 2019). Generally, these factors can be distinguished into internal and external factors.

Internal factors relate to the perpetrator's internal condition, such as psychological and physiological aspects. Psychological factors are connected to the mental state formed from life experiences, including the possibility of past trauma like childhood sexual abuse. This trauma can shape deviant behavioral patterns that trigger a tendency toward sexual violence. Additionally, physiological or biological factors also play a role, especially when someone experiences health issues that affect their biological needs. This imbalance can lead to uncontrollable sexual urges and potentially drive the perpetrator to commit sexual violence.

Meanwhile, external factors include the social and cultural environment, as well as technological developments. Rapid social change, access to various forms of entertainment, and the ease of obtaining information thru the internet are significant factors. Negative content, including pornographic websites, is very easily accessible and can potentially influence people's mindsets and behavior. Weak control and digital literacy make this content even more dangerous, especially for individuals vulnerable to negative influence.

In response to the rising cases of sexual violence, the Indonesian government enacted Law Number 12 of 2022 concerning Sexual Violence Crimes (TPKS). Based on Article 1 Paragraph (1), sexual violence is defined as any act that meets the elements of a criminal offense as regulated in the law. The urgency of this law is due to the high rates of sexual violence, particularly against children. Sexual violence against children is a serious violation of human rights that can have long-term consequences, both physically, psychologically, and socially.

The TPKS Law provides a strong legal basis for victim protection thru integrated national and regional policies. This rule also strengthens criminal law instruments in handling cases of sexual violence by providing more comprehensive criminal and non-criminal sanctions. This legal update is an important step in improving protection for women and children, as well as providing clearer legal mechanisms for victims to obtain justice.

RESEARCH METHOD

The study in this research uses a normative legal research approach (Sunggono, 2003). The research focuses on aspects that are urgent in enforcing legal regulations, particularly the provisions outlined in the TPKS Law. This study aims to review the various impacts and causes of sexual violence against children, while also highlighting the urgency of law enforcement based on the TPKS Law, and then formulating recommendations for the government in addressing these issues. According to Soekanto & Mamudji (2001), this research is also considered doctrinal research because it examines positive law and its legal principles (law as it is written in the books). The analysis in this study uses a qualitative method with a descriptive approach, which is a study that aims to describe in words and language within a specific natural context, utilizing various natural methods (Moelong, 2014). Data analysis was conducted using secondary data by presenting the current issues faced by law enforcement officials and justice seekers in the implementation of the TPKS Law. These issues were then analyzed using theories and concepts in legal science, particularly those related to law enforcement theory and crime prevention theory.

RESULT AND DISCUSSION

A. Definition of Sexual Violence Against Children

Sexual violence against children is an act that has serious consequences for the victim's physical, emotional, and psychological well-being. This action is generally carried out thru a series of behaviors that are harmful to the child's body and mental development. Ironically, most of the perpetrators actually come from the closest environment, such as parents or relatives who have a family

relationship with the victim. This relational closeness makes children vulnerable and at high risk of becoming victims of sexual violence (Zuhendri & Anggreani, 2025).

The children who are victims are usually under 18 years old. This vulnerability is caused by their limited understanding of their rights and their minimal ability to resist. Many new cases are coming to light because children are unable to communicate what happened to them or are experiencing fear. Forms of sexual violence against children are very diverse (Zuhendri & Anggreani, 2025), including:

- a) Sexual harassment. This includes sexual acts without consent, such as forcing a child to look at inappropriate sexually suggestive images, videos, or content, and unwanted touching.
- b) Sexual coercion. This includes any act of forcing or threatening a child to engage in sexual activity, whether it involves penetration or other sexual behaviors.
- c) Rape. This is a sexual act involving forced penetration of body parts that should not be touched and are very vulnerable for children.

Sexual violence against children is categorized as a serious violation of Human Rights (HR) that can have long-term consequences. In addition to physical injuries, victims often experience psychological trauma that persists into adulthood. This condition can hinder a child's ability to build healthy social relationships and even trigger the onset of mental and physical health disorders later in life. Therefore, prevention, protection, and handling efforts against child molestation must be carried out comprehensively. All law enforcement agencies and relevant institutions are required to give serious attention to ensure optimal handling and minimize the risk of similar cases recurring.

In the legal context, Law Number 12 of 2022 concerning Sexual Violence Crimes (TPKS) serves as a legal umbrella providing certainty and protection for victims. The rule stipulates that perpetrators of sexual violence must be given severe punishments proportionate to their actions. This law also provides guarantees for the recovery of victims, ensuring that their rights are fulfilled to the fullest extent. The implementation of this regulation is expected to improve public understanding of the forms of sexual violence, thereby reducing the incidence rate and strengthening child protection (Zuhendri & Anggreani, 2025).

With proper understanding and strong law enforcement, it is hoped that society and relevant institutions can work together to create a safe environment for children. This safe environment allows children to grow and develop without fear or trauma, ensuring their optimal well-being (Zuhendri & Anggreani, 2025).

B. Factors Causing Sexual Violence Against Children

The discussion regarding the factors causing sexual violence against children can be explained thru a criminological approach that focuses on cause-and-effect relationships and criminal facts. This approach attempts to provide answers regarding why someone commits a crime, where crime is understood as antisocial behavior that is prohibited and formulated in positive law. To trace the background of the emergence of sexual violence, especially against children, one relevant reference is Sigmund Freud's thinking in the field of psychoanalysis (Ruth, 2001).

Freud stated that humans have two basic drives: the drive for self-preservation and the drive toward procreation. The drive for self-preservation rarely causes problems because it encounters few obstacles. Conversely, sexual drives are often constrained by social and cultural norms, making them a central focus in Freud's theory. This sexual drive, called libido, is centered on three erogenous zones of the human body: oral, anal, and genital.

Furthermore, Freud divided human psychic life into three levels of consciousness: conscious, preconscious, and unconscious. The unconscious is considered to influence most human behavior, including sexual behavior. Freud also asserted that sexual drives (eros) begin to develop in childhood, particularly thru the child's first relationship with their mother.

The libido drive present in every human being cannot always be freely expressed due to limitations imposed by religious norms, customs, etiquette, moral norms, and even legal norms. These norms regulate who can have sexual relations, in what context, and at what age a person is allowed to do so. When these norms are not followed or social control mechanisms are not effective, sexual impulses can be diverted into negative forms. This negative redirection can trigger sexual violence. In such situations, children become the most vulnerable group to be targeted by deviant sexual behavior from adults (Yuwono, 2015).

The causes of sexual violence against children are fundamentally very complex and cannot be explained by a single factor. Sexual crimes are the result of the interaction of various social, psychological, economic, and cultural conditions. Children, both boys and girls, are at high risk of becoming victims, especially those from vulnerable families. From the perpetrator's perspective, the causes of sexual violence can be divided into two broad categories: internal and external factors

(Wickham & West, 2002). Internal factors include the perpetrator's psychological, biological, and traumatic experiences, while external factors encompass the social environment, power dynamics, family conditions, and weak social control in society.

C. Impact of Sexual Violence on Children

Sexual violence has a profound traumatic impact on both children and adults. However, many cases go unreported because victims, especially children, often don't understand that they are being subjected to sexual violence. Children also tend to withdraw, find it difficult to trust others, and are afraid to report because they worry about facing worse consequences. Feelings of shame, guilt, and the belief that the event tarnished the family name further strengthened the victim's tendency to remain silent. This situation creates a condition of powerlessness, which is a feeling of helplessness that torments victims when they try to express their traumatic experiences.

Emotionally, children who are victims of sexual violence can experience severe stress, depression, psychological trauma, feelings of guilt, fear of social interaction, and even the recurrence of traumatic memories. Other impacts include nightmares, sleep disturbances, phobias related to things that remind them of the event, low self-esteem, sexual dysfunction, addiction, suicidal tendencies, somatic complaints, and even unplanned pregnancies.

From a psychological perspective, various disorders can also arise, such as post-traumatic stress disorder (PTSD), anxiety, personality disorders, dissociative identity disorder, a tendency toward revictimization in adulthood, bulimia nervosa, and even physical injuries accompanying violent events (Levitan et al., 2003). Physically, children may experience decreased appetite, difficulty sleeping, headaches, discomfort in the genital area, risk of sexually transmitted diseases, injuries from physical violence, and unwanted pregnancy. When sexual violence is committed by a family member (incest), the impact is far more severe and causes long-term trauma, especially on the child's relationship with parental figures.

If not addressed immediately, this trauma will persist and affect the child's development. In the short term, children may experience excessive fear, nightmares, and difficulty concentrating, which ultimately impacts their health and academic performance. In the long term, victims may develop phobias about sexual relationships or, conversely, become accustomed to associating sexual relationships with violence. In fact, some victims may repeat the pattern of violence they experienced in adulthood.

Weber and Smith (2010) revealed that experiencing sexual violence in childhood can increase the likelihood of someone becoming a perpetrator of sexual violence in adulthood. Childhood helplessness can be generalized as the belief that sexual behavior can be directed toward individuals considered weak.

Most children who are victims of sexual violence also meet the criteria for post-traumatic stress disorder (PTSD), characterized by intense fear, anxiety, and rigid emotional responses after a traumatic event. According to Beitchman (in Tower, 2002), it takes a child one to three years to open up to others. Additionally, Finkelhor and Browne proposed four main categories of trauma's impact on children who are victims of sexual violence, namely:

1. Betrayal. The child feels that the trust placed in adults, especially parents, has been betrayed, so the figures who were supposed to protect have become a threat.
2. Sexual Trauma (Traumatic Sexualization). Sexual violence can shape unhealthy sexual behavior patterns, such as aversion to sexual relations or, conversely, seeking unsafe relationships. Some victims choose same-sex partners because they consider men untrustworthy (Tower, 2002).
3. Powerlessness. The victim experienced deep fear, nightmares, anxiety, and a feeling of being unable to control their body and life.
4. Stigmatization. Victims feel guilty, ashamed, and have a negative self-image. This can lead to self-destructive behaviors, such as drug or alcohol abuse, to avoid traumatic memories (Tower, 2002).

Although some children may appear physically fine, the psychological impact is very serious. Trauma, addiction, resentment, and other emotional disturbances can affect a child's future self-maturity and independence, including how they view the world and interpret social relationships. Thus, sexual violence is a crime that not only destroys the victim's present but also has the potential to damage their quality of life in the future.

D. Urgency of the Need for Law No. 12 of 2022 on Sexual Violence Crimes

The ratification and enactment of Law Number 12 of 2022 concerning Sexual Violence Crimes (TPKS Law) is a breath of fresh air for gender equality advocates in Indonesia. Although the provisions in the TPKS Law are drafted in a gender-neutral manner, allowing victims from any gender group, the

substance of the regulations still recognizes the experiences of women, who have historically been more frequent victims of sexual violence. The data on cases handled by the National Commission on Violence Against Women (Komnas Perempuan) listed in the Academic Draft of the TPKS Law shows that the incidence of violence against women increased almost eightfold over a twelve-year period (2008–2019). This situation naturally impacts the quality of life for women, who often experience inequality. The Global Gender Gap Index 2023 report notes that the high levels of violence against women in Indonesia contribute to the gap in life expectancy between men and women (World Economic Forum, Geneva, 2023).

Before the TPKS Law was enacted, provisions regarding sexual violence were only included in Chapter Crimes Against Decency within the Criminal Code (KUHP). This arrangement makes the handling of sexual violence cases more frequently influenced by moral perspectives, rather than a law enforcement approach or a transformative justice approach that focuses on stopping violence without creating further violent impacts. At the substantive level, the TPKS Law brings significant changes by regulating new types of sexual violence crimes, incorporating several forms of sexual violence previously not covered by other laws, and anticipating the future development of sexual violence. Additionally, the TPKS Law provides specific procedures for handling cases, ensuring that both sexual violence crimes explicitly regulated by the TPKS Law and those outside its provisions can still be handled using the mechanisms established by the TPKS Law.

In the realm of structure, the TPKS Law emphasizes that efforts to prevent and address sexual violence are not only the responsibility of the state thru law enforcement agencies, but also a collective movement of society to expand access to justice for victims. The role of family, close friends, and victim companions becomes very important within that framework. In the aspect of legal culture, the handling of sexual violence is no longer based solely on moral values. All parties involved are expected to have a fair perspective and strive to eliminate the various obstacles victims have faced so far, such as the tendency to blame victims for going out at night or pushing for "peaceful" solutions by marrying the victim and perpetrator to cover up the shame of both parties (Essa Ria Lestari, et al., 2021).

The TPKS Law also further regulates forms of sexual violence that do not solely manifest thru physical violence or direct threats. This law includes situations where sexual violence occurs thru manipulation, coercion, or abuse of power, making the victim appear to consent, even though they are actually in a vulnerable position or trapped in an unequal power dynamic. The TPKS Law stipulates that valid consent can only be given if there is no pressure, coercion, or abuse of a dominant position that threatens the victim's integrity and well-being. Thus, this law provides protection for victims from forms of exploitation hidden behind relationships that are supposed to be based on equality and respect for human dignity.

One significant change that gender equality activists need to pay attention to is the regulation regarding accompaniment for victims. The TPKS Law strengthens the role of victim companions, granting victims the right to be accompanied at all stages of the examination. Consequently, the need for victim support, both in terms of quantity and quality, is becoming increasingly important. The TPKS Law also regulates the requirements for individuals who can become victim companions, namely having competence in human rights-based victim handling, being gender-sensitive, and having completed training related to handling TPKS cases (Article 26 paragraph (3)).

In addition to establishing basic competencies, the TPKS Law also broadens the definition of victim companion. Article 26 paragraph (2) states that victim companions are legal companions, including advocates and paralegals. This provision confirms that the qualifications of victim companions are not limited to the legal profession, but also include paralegals, whose scope in providing legal assistance has often been restricted (LBH Yogyakarta, 2024). In fact, the role of paralegals is very essential, especially in areas that do not yet have adequate legal aid organizations (Yuliyanto, et al., 2023).

Both advocates and paralegals play an important role in supporting victims, not only in resolving cases thru litigation but also non-litigation. Although the TPKS Law prohibits resolving cases outside the judicial process (Article 23), this does not mean that efforts to restore victims outside the court are ignored. The TPKS Law stipulates that victims have the right to treatment, protection, and recovery. Regarding reparations specifically, Article 60 states that victims are entitled to reparations before, during, and after the judicial process. This is in line with the principle of restorative justice, which aims to restore the victim's condition to its original state thru a comprehensive recovery process. Therefore, victim companions play a central role in ensuring that victims' rights to recovery are truly fulfilled.

CONCLUSION

Sexual violence against children is a form of interaction between a child and a more mature individual, whether a stranger, family member, or parent, in which the child is treated as an object to fulfill the perpetrator's sexual needs. These actions are generally carried out thru pressure, threats, coercion, manipulation, or the offering of certain rewards. Generally, sexual violence against children is divided into two types: sexual exploitation and various acts of sexual coercion committed by adults against children.

The impact of sexual violence on children is serious and long-lasting, affecting psychological, physical, and social aspects. Psychologically, victims can experience deep trauma that triggers feelings of low self-esteem, anxiety, depression, sleep disturbances, withdrawal, and even suicidal thoughts. Victims are also at high risk of experiencing post-traumatic stress disorder (PTSD), chronic anxiety, panic attacks, and various forms of phobias. From a physical standpoint, children can experience internal injuries and an increased risk of contracting sexually transmitted diseases. Socially, victims often find it difficult to build interpersonal relationships, exhibit excessive fear, and face obstacles in their daily activities and emotional development.

Law Number 12 of 2022 concerning Sexual Violence Crimes (TPKS Law) is presented as a highly urgent legal instrument to strengthen efforts to prevent, handle, protect, and rehabilitate victims of sexual violence in Indonesia. Before this regulation was in place, provisions regarding sexual violence were still limited, making it unable to provide optimal protection. With the enactment of the TPKS Law, it is hoped that access to justice for victims can be improved, and that the state, together with society, can play a more active role in preventing and combating sexual violence.

Given the significant impact of sexual violence against children, addressing these cases requires the active involvement of society, individuals, and the government. Effective handling efforts need to be carried out thru a systems-based approach, as comprehensive child protection requires interconnected components. These components include a social welfare system for children and families, a justice system aligned with international standards, and mechanisms capable of promoting appropriate and safe behavior in society.

Additionally, a strong legal and policy framework is needed, along with an adequate data and information system to support sustainable child protection. The government, along with relevant institutions, also needs to increase the intensity of socializing the Sexual Violence Criminal Act (TPKS Law) to the public, including within educational settings. This step is important for expanding public understanding and awareness of forms of sexual violence, victims' rights, and the importance of community participation in prevention efforts.

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