

Efforts to Protect the Law of Sexual Violence Cases Against Children Relate to Law Number 35 of 2014 Concerning Child Protection

M.Gary Gagarin*¹, Sartika Dewi², Farhan Asyhadi³, Lia Amaliya⁴, Zarisnov Arafat⁵

Faculty of Law, Universitas Buana Perjuangan Karawang, Karawang, West Java, Indonesia^{1,2,3,4,5}

Email: gary.akbar@ubpkarawang.ac.id*¹, santikadewi@ubpkarawang.ac.id²

farhan.asyhadi@ubpkarawang.ac.id³, lia.amalia@ubpkarawang.ac.id⁴,

zarisnov.arafat@ubpkarawang.ac.id⁵

Keywords

P2TP2A, Children, Sexual Violence.

ABSTRACT

The Integrated Service Center for the Empowerment of Women and Children (P2TP2A) is expected to function as a community-based service institution. This community-based service acts as a crisis center unit by providing complaints, health, rehabilitation, social, counseling, legal assistance, repatriation, and social reintegration services (for trafficking victims). Sexual violence encompasses any action that diminishes, belittles, intimidates, or assaults an individual's body or reproductive capabilities, stemming from imbalanced power dynamics or gender inequalities. Such acts inflict psychological or physical harm, potentially disrupting reproductive health and impeding educational opportunities. Examples include rape and sexual abuse. This research focuses on examining legal protection efforts and identifying obstacles faced by P2TP2A (Integrated Service Center for Women and Children) in handling cases of sexual violence against children, utilizing an empirical juridical approach. The findings reveal that legal protection for children experiencing sexual violence is enshrined in Article 13 of Law Number 35 of 2014, which emphasizes the rights of children to be protected from various forms of harm, including discrimination, exploitation, neglect, cruelty, violence, abuse, and injustice. Supporting factors include the availability of financial assistance to fund P2TP2A activities, the dedication of officers and volunteers who prioritize the welfare of women and children, and the provision of office facilities by the government. However, there are inhibiting factors such as inadequate budget allocation, the unrealized Community-Free Integrated Child Protection Program (PATBN), insufficient human resources, the need for improvement in office facilities and infrastructure, and the lack of safe housing for victims who are still renting.

INTRODUCTION

Sexual violence entails engaging in sexual acts through forceful or coercive means, directly contradicting religious principles and moral values, as well as breaching legal statutes. The act of violence is often employed to assert dominance, demonstrating the perpetrator's physical and psychological prowess and his power may be utilized to carry out his nefarious plans (Banarjee, 2020; Franklin & Herek, 2022; Jewkes & Dartnall, 2023; Yildirim & Uysal Toraman, 2023).

Sexual violence against children refers to instances where children are engaged in sexual acts without full comprehension or the ability to give consent (Bjørnseth & Szabo, 2018; Cappa et al., 2023; Ligiero et al., 2023; Walker-Descartes et al., 2021). It involves sexual interactions between children and

adults or among children, primarily aimed at gratifying the perpetrator. This encompasses various forms such as sexual exploitation in prostitution or pornography, coercing children to witness sexual activities, exposing genitals for sexual pleasure, touching inappropriately, compelling children to touch others' genitals, engaging in sexual intercourse, rape, incestuous sexual relations, and acts of sodomy (Arsawati et al., 2021; Islam et al., 2024; Mathews & Collin-Vézina, 2019; Steyn et al., 2024).

In Indonesia, a significant topic of concern revolves around crimes committed against children. These crimes encompass various forms of violence, including murder, abuse, and other harmful acts that can severely impact a child's mental well-being. Ideally, children should receive quality education and be nurtured with familial love to safeguard their emotional stability (Ilyasa, 2021; Ligiero et al., 2019; Turner et al., 2022; van Tuyll van Serooskerken Rakotomalala et al., 2023). However, the prevalence of violence against children persists partly due to the misconception among some parents who view such violence as a normal aspect of disciplining their children. This overlooks the fundamental role of parents in ensuring the welfare and protection of their children, enhancing their survival chances, and fostering their optimal growth and development. According to reports from the Ministry of Women's Empowerment and Child Protection (KemenPPPA), Indonesia is facing a critical situation regarding sexual violence against children. Records indicate a significant increase in reported cases, with 9,588 instances documented in 2022 compared to 4,162 cases in the preceding year. Additionally, the Indonesian Child Protection Commission (KPAI) has reported a troubling trend during January to February 2023, with over a hundred cases of sexual violence against children recorded within that timeframe. Out of the 119 reported cases, more than half involve various forms of violence against children, encompassing physical, psychological, and sexual abuse. The remaining cases pertain to infringements on children's rights across different clusters during the same period.

The Integrated Service Center for Women and Children Empowerment, commonly known as P2TP2A, serves as a multifaceted facility dedicated to advancing women's empowerment across various developmental domains while also safeguarding them and children from different forms of discrimination and violence, including human trafficking. These centers, established either by the government or community-based initiatives, can function in diverse capacities such as referral centers, business advisory hubs, reproductive health counseling facilities, legal consultation offices, integrated crisis centers (PKT), comprehensive service centers (PPT), trauma recovery centers (trauma centers), women's crisis support centers, training facilities, science and technology information centers (PIPTEK), safe havens (shelters), halfway homes, or other configurations aimed at fulfilling their objectives (Bellizzi et al., 2023; Corboz et al., 2023; Nation et al., 2023; Ritterbusch et al., 2023). P2TP2A was formed with a special mission to provide services for women and children victims of violence, which include promotive, curative, and rehabilitative efforts. Every effort made is carried out comprehensively in networking with relevant government and community institutions to meet the needs of the community, all services are borne by the government as a form of concern and responsibility to people in need (Akram & Yasmin, 2023; Augusti et al., 2023; Kamke et al., 2023; Velloza et al., 2022).

The Office of Women's Empowerment and Child Protection was established based on Regional Regulation No. 14 and Regent Regulation No. 48/2016 on the organizational structure, duties and functions of the Karawang Regency Women's Empowerment and Child Protection Office. The government said cases of violence against women and children in the Karawang region increased throughout 2022. Head of the Prevention and Handling of Violence against Women and Children Division, Hesti Rahayu, in Karawang, said that over the past three years, cases of violence against women and children in Karawang have increased. According to local DP3A records, there were 111 cases in 2022. Then the number increased to 144 cases in 2023, with an increase of 33 cases.

This study delves into the legal protection efforts concerning cases of sexual violence against children, specifically exploring the connection with Law Number 35 of 2014 concerning Child

Protection. The focus is on the Karawang Integrated Service Center for Women and Children Empowerment (P2TP2A) in Indonesia, a multifaceted facility dedicated to advancing women's empowerment and shielding children from various forms of discrimination and violence, including human trafficking.

The novelty of this research lies in gaining a profound understanding of the relationship between legal protection efforts against child sexual violence and a specific regulation, namely Law Number 35 of 2014. Previously, there have been limited studies that specifically explore this connection at the local level, particularly in the Karawang Regency.

The primary objectives of this study are to analyze the extent to which legal protection efforts at P2TP2A Karawang align with the provisions of Law Number 35 of 2014 in addressing cases of child sexual violence. The research also aims to identify supporting and inhibiting factors in handling these cases at the service center.

The study's significance involves contributing to a practical and theoretical understanding of the effectiveness of legal protection efforts against cases of child sexual violence at the local level. The findings can offer insights to authorities, non-governmental organizations, and the general public regarding the role of P2TP2A in fulfilling its responsibilities. It is anticipated that the research outcomes can serve as a basis for policy improvements and implementations to enhance child protection from sexual violence in the Karawang region. Additionally, the study aims to contribute to the national understanding of the implementation of Law Number 35 of 2014.

METHODS

The study employs an empirical research design, a methodological approach utilized to portray observed field conditions accurately. This design aims to establish a framework for validation or testing to ascertain the truth. Through the empirical approach, the research endeavors to thoroughly explore and analyze data and information. The methodology encompasses a detailed description of research methods, including the target population and sample selection, instruments, and data collection techniques, as well as the planned data analysis methods. The results section will then present the characteristics of the gathered data and articulate the research findings.

RESULTS

Legal Protection of Sexual Violence Against Children in Connection with Law Number 35 of 2014 concerning Child Protection

Legal protection involves the safeguarding provided to legal entities through legal mechanisms, encompassing both preventive and punitive measures, whether codified or customary. Essentially, legal protection exemplifies the role of law, which includes ensuring justice, order, predictability, efficiency, and peace within society.

The fundamental principles underlying legal protection are encapsulated in the notions of protection and law. Legal protection, a compound term comprising "protection" and "law," signifies safeguarding by established laws and regulations. Article 28B, paragraph (2) of the 1945 Constitution of the 2nd Amendment asserts, "Every child has the entitlement to survival, growth, and development, as well as the entitlement to be shielded from violence and discrimination."

A comprehensive understanding of legal protection for children involves a detailed examination across various dimensions, connecting and comparing research results with theory and previous research results. Various documents and international forums emphasize the necessity for legal protection for children in multifaceted ways, including:

1. Ensuring the human rights and freedoms of children are safeguarded.
2. Ensuring children are protected during legal proceedings.
3. Ensuring the welfare of children within family, educational, and social environments.

4. Ensuring children are protected in situations involving detention and loss of liberty.
5. Preventing all forms of exploitation of children, including slavery, trafficking, prostitution, pornography, drug trafficking/abuse, and involvement in criminal activities.
6. Providing protection for children living on the streets.
7. Shielding children from the repercussions of war and armed conflict.
8. Protection children from acts of violence.

In the Child Protection Act of 2014, Article 1, paragraph (2) defines Child Protection as:

"All efforts aimed at ensuring and safeguarding children, ensuring their rights to live, thrive, develop, and engage fully in accordance with their inherent human dignity, while also ensuring protection from violence and discrimination."

The constitution explicitly ensures child protection by affirming every child's entitlement to life, growth, and development, along with safeguarding them from both physical and psychological discrimination and violence. Derivatives of the constitution that regulate child protection are regulated in the Criminal Code, which regulates sanctions for people who commit sexual violence against women and children, as in articles 289-295 of the Criminal Code. Forms of crime include fornication, murder, rape and adultery.

Other regulations that regulate the protection of child victims in cases of sexual violence and regulate in more detail are regulated in Law Number 35 of 2014 concerning Child Protection as a state commitment present in the protection of victims that has not been optimally handled. This regulation complements the previous rules that have not been comprehensively regulated in the Criminal Code, which have not accommodated the elimination of violence that occurs in children. So that in the Child Protection Law, the state is present in overcoming and preventing sexual violence, especially article 21 of the Child Protection Law explains that the state in government is responsible for child protection and carries out the obligation to fulfil the rights as a whole person regardless of background, ethnicity, race, religion, class, gender, culture and so on for the benefit and future of children.

Legal protection can also be understood as actions or endeavors aimed at shielding society from arbitrary actions by authorities that deviate from the principles of the rule of law. This is done to establish order and tranquility, thereby allowing individuals to fully embrace their dignity as human beings.

The legal protection of children in Indonesia is governed by numerous laws and regulations, with specific provisions outlined in Law Number 53 of 2014, which amends Law Number 23 of 2002 concerning Child Protection include:

1. Protection in the field of Religion

Law Number 23 of 2002 concerning Child Protection Article 42: "The state, government, society, family, parents, guardians, and social institutions guarantee the protection of children in professing their religion. Protection of children in embracing their religion includes coaching, guiding, and practising religious teachings for children."

2. Protection in the Health Sector

Law Number 23 of 2002 concerning Child Protection Article 44: "Parents and families are responsible for maintaining children's health. If they cannot carry out their responsibilities, the government must fulfil them."

3. Protection in Education

Law Number 23 of 2002 concerning Child Protection Article 48: "Children in and within the school environment are obliged to act of violence committed by teachers, school administrators or their friends in the school concerned, or other educational institutions."

4. Protection in the Social Field

Law Number 23 of 2002 concerning Child Protection Article 55: "The government is obliged to carry

out the maintenance and care of abandoned children if the maintenance and supervision of their maintenance and care is carried out by the Minister of Social Affairs."

5. Special Protection

Special protection for children who are victims of criminal acts Article 1 paragraph (15) of Law Number 23 of 2002 concerning Child Protection includes:

- a. Rehabilitation endeavors, both within and beyond institutional settings.
- b. Measures to safeguard the confidentiality of identity in media reporting and prevent stigmatization.
- c. Ensuring the safety of victim witnesses and expert witnesses, encompassing physical, mental, and social aspects.
- d. Facilitating accessibility to information regarding case progress.

The safeguarding of children as outlined in Article 13 of Law Number 35 of 2014, which amends Law Number 23 of 2002 concerning Child Protection:

1. Every child, under the guardianship of a parent, guardian, or any other caretaker, is entitled to protection from mistreatment:
 - a. Acts of discrimination.
 - b. Economic and sexual exploitation.
 - c. Neglect.
 - d. Brutality, violence, and persecution.
 - e. Injustice.
 - f. Other form of mistreatment.
2. If a parent, guardian or caregiver of a child commits any form of treatment as referred to in paragraph (1), the offender shall be subject to severe punishment."

The explanation of Article 13 of Law Number 35 of 2014 concerning amendments to Law Number 23 of 2002 concerning Child Protection describes discriminatory treatment, for example, treatment that discriminates against ethnicity, religion, race, class, gender, ethnicity, culture and language, legal status of children, order of birth of children, and physical and/or mental conditions. Exploitative treatment, such as acts or acts of using, utilizing, or blackmailing children to obtain personal, family, or group benefits. Neglect, including the intentional failure to fulfill responsibilities regarding the proper care and upbringing of children. Cruel treatment, defined by actions or behaviors that exhibit merciless and brutal treatment towards children. Violence and abuse, which entail causing harm or injury to children, extending beyond physical harm to include mental and social harm. Injustice treatment, characterized by biased actions between children or arbitrary treatment towards them. Other forms of mistreatment, such as acts of misconduct or dishonorable conduct directed at children.

Supporting and Inhibiting Factors in Handling Cases of Sexual Violence Against Children at the Karawang Integrated Service Center for Women and Children Empowerment (P2TP2A)

The establishment of the Integrated Service Center for Women and Children Empowerment (P2TP2A) is rooted in the framework of women's empowerment development outlined in Presidential Instruction (Inpres) Number 9 of 2000 regarding Gender Mainstreaming in National Development. This concept is designed to integrate gender perspectives into the planning, formulation, execution, monitoring, and evaluation of national development policies and programs. The concept's scope encompasses various aspects, including gender-responsive planning/gender budgeting, implementation, monitoring, and evaluation.

In principle, each region that will form this container can determine the shape and name per each region's wishes, goals, vision, and mission. P2TP2A is community-based, however, in the process of its formation, legal force is needed, namely the Governor's Decree or the Decree of the local Regent, with the issuance of regulations as a legal umbrella in the West Java region, namely West Java Governor Regulation Number 15 of 2010, precisely on May 5, 2010. The establishment of P2TP2A in Karawang

Regency serves as a means to provide essential services and information for women and children across various domains including education, healthcare, economics, legal matters, as well as the prevention and mitigation of violence and human trafficking against them.

P2TP2A in Karawang Regency certainly has its duties and functions as explained in the West Java Provincial Government regulations.

1. Assignment

Carry out some of the duties of local governments in providing services quickly and integrated in efforts to empower women and protect children from acts of violence, discrimination, and trafficking in persons.

2. Function

- a. Implementation of facilities and provision of protection services.
- b. Organizing coordination and building networks.
- c. Implementation of facilities; and
- d. Monitoring of victims of P2TP2A handlers and/or partners.

A well-organized program implementation process can enhance coordination among Regional Work Units and foster community involvement through collaboration. The programs devised by P2TP2A include the following:

1. Community-Based Integrated Child Protection Program (PATBN)

PATBN is a grassroots movement comprising networks or community groups that collaborate in a coordinated fashion to pursue objectives related to child protection. It is a community-led initiative aimed at spearheading preventive measures by raising public awareness, thereby fostering a shift in understanding, attitudes, and behaviors conducive to safeguarding children.

2. Counselling corner

Counselling is the process of providing help through face-to-face discussion for someone experiencing a particular problem. This method is done by experts called counsellors and focuses on solving a problem or learning certain techniques to deal with or find ways to avoid the problem. P2TP2A conducts corner counselling by visiting elementary schools and conducting socialization; when there are case complaints in one of the schools, counselling can be conducted at school. At that time, student counselling was implemented at 39 school points in Karawang District.

3. Child-friendly schools

Sekolah sahabat Anak is a child protection foundation driven by volunteers fighting for children's rights. The purpose of establishing child-friendly schools according to the Head of Prevention and Handling of Violence in Children focuses on cases of violence experienced by children, in accordance with the Regulation of the Minister of Education, Culture, Research, and Technology Number 46 of 2023 concerning the Prevention and Handling of Violence in the Education Unit Environment (Permendikbudristek PPKSP) as Merdeka Belajar Episode 25 that every school is required to have a Task Force that specifically handles children's cases. This regulation was born to strictly address and prevent sexual violence, bullying, as well as discrimination and intolerance. In addition, it assists education units in handling cases of violence that occur, including violence in the form of online, psychic, and others, with a perspective on victims. If a case of violence at school requires follow-up, the school can coordinate with P2TP2A.

4. Child-Friendly City

A Child-Friendly City is characterized by its ability to strategically plan, prioritize, and implement all development initiatives with a focus on upholding the rights and responsibilities of children. This approach aims to create an environment conducive to the proper growth and development of children. Karawang Regency has become a child-worthy city with the title of Madya.

5. Enforcement Program

This refers to a specialized program tailored to children who have experienced sexual violence. The primary goal of this program is to provide both moral and material support to these children, ensuring they receive justice and welfare assistance, thereby empowering them for their future development. Additionally, P2TP2A offers psychological support and trauma healing services for children affected by such crimes. The mentoring program conducted by P2TP2A in Karawang Regency has specific targets to fulfill its responsibilities, including:

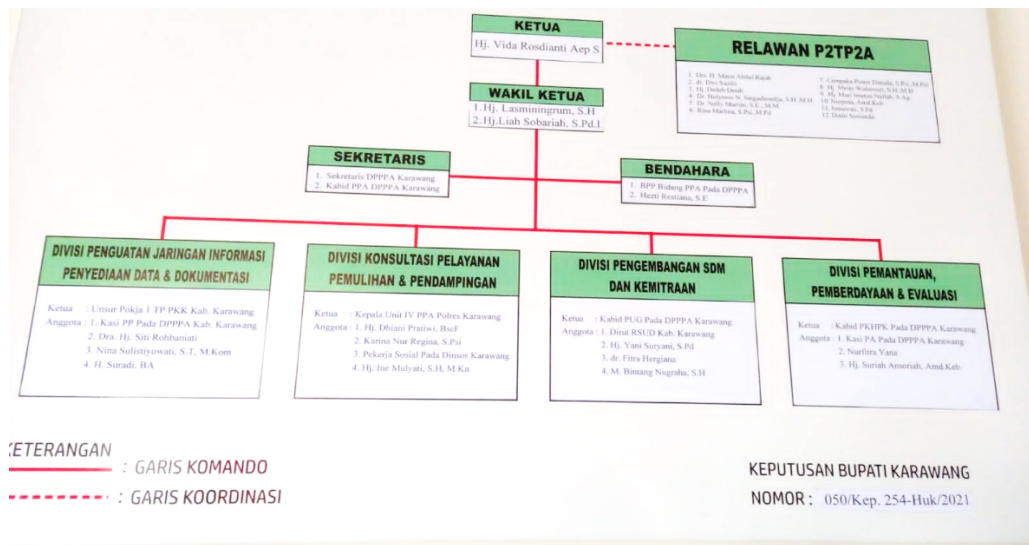
- a. Medical aid refers to the support provided by P2TP2A personnel and volunteers to child victims who have sustained physical injuries and require additional medical treatment, such as those who have experienced violence and may need forensic examination, will be accompanied during the process by P2TP2A volunteers in collaboration with Karawang Regional Hospital.
- b. Psychological support is provided to children who have undergone trauma or require psychological intervention due to the violence they have endured. This assistance is conducted in partnership with volunteer psychologists from Buana Perjuangan University (UBP) Karawang. P2TP2A officers or volunteers administer psychological aid to child victims of violence who exhibit symptoms such as diminished self-esteem, intense fear, anxiety, and a tendency to isolate themselves.
- c. Juridical aid pertains to the support provided to children entangled in legal issues, specifically targeting those who are involved in conflicts with the law or want to continue court cases assisted by volunteers covering legal processes that occur in the police, prosecutors and courts for the purpose of assistance so that children feel comfortable and trust the companion so that they can tell honestly and openly with the case they are experiencing, according to the Head of Prevention and handling of cases of violence against children. This support emphasizes psychological assistance for children, serving as a source of reinforcement to reassure them that they are not alone in navigating the challenges they encounter. P2TP2A also provides a volunteer task force at the sub-district level to improve juridical assistance so that when cases of violence occur, they are resolved first at the sub-district level by mediating in the sub-district.
- d. Rehabilitation and Reintegration is a form of assistance that facilitates and provides *shelter* services for victims of violence, facilitates social recovery for victims of violence, provides spiritual guidance and social guidance for victims, and facilitates and implements the repatriation of victims to their areas of origin. The P2TP2A Office, in this case, collaborates with the Social Office and the Al-Kholisoh Foundation with a one-month rental system because, according to the Head of Prevention and handling of violence against children, the safe house is not always needed so to streamline the safe house budget, it is rent.

While providing services to women and children, P2TP2A is supported by several supporting factors, but on the other hand, P2TP2A also faces problems that hinder in providing services to women and children. These supporting and inhibiting factors were obtained from an interview with the Head of Prevention and Handling of Violence Against Children, Mrs. Hesti Rahayu. The results of the interview are described as follows:

Supporting factors

1. The availability of financial assistance to finance P2TP2A activities and operations obtained from the West Java Provincial APBD and non-binding donations from individuals, the private sector, the government, and donors from within and outside the country and abroad. The financial assistance obtained by P2TP2A is a driving factor in carrying out services, with the financial assistance received can help P2TP2A implement work programs that have been previously determined.
2. When delivering services to women and children, P2TP2A receives support from a team consisting of officers and 12 dedicated volunteers who prioritize the well-being of women and children.
3. The office facilities provided by the government for assistance are adequate, though they are not yet optimal. The office space facilities provided and used by P2TP2A are currently quite decent and

very helpful for P2TP2A in carrying out its duties and functions. However, improvements will continue to be made so that it will be better.



Source : Women's Empowerment and Child Protection Agency (DP3A)

Figure 1. Identity of officers and volunteers

Inhibiting factors

1. Although there is financial assistance from various parties, it is still very limited; it is explained that the APBD for P2TP2A is the smallest budget given by local governments, so it must be used according to the priority scale. P2TP2A must manage the aid funds received as well as possible because the funds received are still very limited, so several work programs must be postponed due to limited funds owned.
2. The Community-Based Integrated Child Protection Program (PATBN) has not been implemented as planned; it is still in the planning and deliberation stages. Consequently, the handling of violence against women and children has not reached its full potential.
3. Human resources owned by P2TP2A are still very limited, especially the volunteers are only a few who are active in activities, so sometimes P2TP2A must determine which cases should come first to be handled.
4. Office infrastructure is still not by the criteria that should be, and transportation is still inadequate, resulting in less comfort in working and optimal acting.
5. The safe house that is still rented to Al-Kholisoh Foundation once a month illustrates that the local government is less supportive of preventing and handling cases of violence against children.

CONCLUSION

Based on the research description provided, several key conclusions can be drawn. Firstly, the legal protection for children facing sexual violence is clearly outlined in Article 13 of Law Number 35 of 2014, which amends Law Number 23 of 2002 on Child Protection. This legal provision emphasizes the entitlement of every child, under the care of parents, guardians, or any responsible caretaker, to protection from various forms of mistreatment, including discrimination, economic and sexual exploitation, neglect, violence, persecution, injustice, and other mistreatment forms. Additionally, the research identifies supportive factors such as access to financial aid for funding P2TP2A activities and operations, dedicated officers and volunteers prioritizing the welfare of women and children, and satisfactory quality of government-provided office facilities. On the contrary, inhibiting factors include

insufficient budgets, delayed realization of the Community-Based Integrated Child Protection Program (PATBN), limited human resources, office facilities, and infrastructure in need of improvement, and the lack of safe housing for victims who are currently renting accommodations.

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