

THE URGENCY OF ECONOMIC EMPOWERMENT IN REALIZING LEGAL PROTECTION FOR CHILD VICTIMS OF SEXUAL VIOLENCE

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Abstract

Sexual violence not only causes momentary suffering but can also impact every aspect of a victim's life. The resulting trauma often affects the victim's psychological, social, and emotional well-being in the long term and can even lead to a loss of hope and self-confidence needed to resume a normal life. Sexual violence must be understood as a serious issue because it not only harms individual victims but also has the potential to threaten the quality of a nation's human resources and the sustainability of future generations. This study examines the urgency of economic empowerment in realizing legal protection for child victims of sexual violence. This study employs a normative legal research method through a literature review, utilizing secondary data from primary, secondary, and tertiary legal sources. This study finds that economic empowerment for child victims of sexual violence is expected to improve the victims' living conditions through various efforts that support the enhancement of their quality of life, independence, and well-being. In this context, economic empowerment can be understood as an effort to build and strengthen the economic capacity of child victims and their families, giving them greater opportunities to lead better lives in the future. One form of economic empowerment that can be provided to child victims of sexual violence is support in the form of capital assistance. Access to capital is one of the most common obstacles faced by individuals who possess the talent, ability, and desire to become entrepreneurs. Providing capital support can be an effective means to help child victims develop their economic potential, increase their independence, and build a more prosperous future as part of legal protection efforts focused on the recovery and sustainability of their lives.

Keywords: Economic Empowerment; Legal Protection; Child Victims; Sexual Violence

Introduction

Protecting the entire Indonesian nation is one of the fundamental objectives of the Unitary State of the Republic of Indonesia, as affirmed in the Preamble to the 1945 Constitution of the Republic of Indonesia. This objective must be understood as the state's obligation to protect all citizens without exception. This constitutional mandate is further elaborated in various provisions contained in the main body of the 1945 Constitution, which guarantees the constitutional rights of every citizen, including the right to justice, the right to legal protection, and the right to be free from all forms of intimidation, discrimination, and violence. In order to realize these national objectives, the state is obligated to ensure the provision of effective protection for all citizens, particularly children and vulnerable groups who face a greater risk of becoming victims of various forms of violence, including sexual violence.

Legal protection for victims of violence must be a top priority within the criminal justice system, given that the suffering experienced by victims does not automatically end with the imposition of a criminal sentence on the perpetrator or after the perpetrator has served their sentence as a form of accountability for their actions. The impact of acts of violence, particularly sexual violence, is often multidimensional, encompassing physical, psychological, social, and economic aspects that can affect victims' lives in the long term. The application of the principles of justice and respect

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for human rights is not only directed at perpetrators of criminal acts but must also be realized through the proportional fulfillment and protection of victims' rights.

This perspective aligns with the view of Gilbert Geis, as cited by Elfina L. Sahetapy, who stated that "Too much attention has been paid to offenders and their rights, to the neglect of the victim".¹ This statement highlights that the criminal justice system has historically tended to give greater attention to offenders and their rights, while the interests and needs of victims are often overlooked. In this context, criminal law should not be solely focused on punishing the perpetrator but must also address the suffering and harm experienced by the victim.²

Sexual violence is often viewed as an act related solely to issues of morality and decency. In reality, the impact of sexual violence on victims is extremely serious and complex, encompassing physical, psychological, social, and economic suffering that can persist over the long term even for a lifetime. The tendency to frame sexual violence solely as a matter of morality is reflected in the provisions of the Criminal Code (KUHP), which classifies sexual violence under the category of crimes against public decency.

This framing of sexual violence as merely a moral issue not only influences how society understands this crime but also has the potential to stigmatize victims. From this perspective, sexual violence is often perceived as a deviation from the moral norms and values prevailing in society. As a result, public attention frequently shifts from the victims' suffering and recovery to a moral judgment of the incident itself. Social stigma and the tendency to engage in victim blaming are factors that hinder victims from reporting the crimes they have experienced and, at the same time, undermine the effectiveness of formal legal protections. These social and cultural factors also interact with institutional practices, thereby influencing decision-making processes and reinforcing various barriers to victims access to justice.³ Consequently, many victims choose not to disclose or report the crimes they have experienced due to fears of rejection, discrimination, or negative judgment from their social circles.

Furthermore, the experiences endured by victims are often viewed as a source of shame that clings not only to the victim but also to their family and social circle. This stigma can lead to various forms of social exclusion, rejection, and even the expulsion of victims from their communities because they are perceived as unable to uphold their own or their family's honor. This situation demonstrates that the impact of sexual violence is not limited to the harm caused by the perpetrator's actions but is further exacerbated by negative social responses toward the victim.

Stigmatization or negative labeling of sexual violence victims can persist even after the perpetrator has been found guilty and sentenced through the judicial process, especially when the victim is a child who is still in the physical and psychological stages of development. This situation highlights a gap between the goals of law enforcement and the social realities still faced by victims. This is particularly concerning given that the responsibility for child protection lies not only with parents but also with the state. The state must establish a legal system that protects children's rights by enacting regulations that uphold justice, providing social protection mechanisms, and fostering social awareness to reduce stigma against victims.⁴

Sexual violence does not merely cause momentary suffering; it can also impact every aspect of a victim's life. The resulting trauma often affects the victim's psychological, social, and emotional well-being in the long term and can even lead to a loss of hope and self-confidence necessary to continue living a normal life. Sexual violence must therefore be understood as a serious issue that not only harms individual victims but also has the potential to threaten the quality of a nation's human resources and the sustainability of future generations.

Children, as a group with limited ability to protect themselves, are particularly vulnerable to becoming victims of criminal acts, including sexual violence. The experience of victimization can have various negative impacts on a child's development, such as social withdrawal, a decline in self-confidence, and the development of a fragile and

¹Elfina L. Sahetapy, "A Victimological Perspective on Victims of Sexual Crimes," presented at the 4th Symposium on the Revitalization of National Law and Research in Criminal Law and Criminology, Kupang, NTT, April 24–28, 2017.

²Lilik Mulyadi, *Selected Topics in Criminal Law, Criminology, and Victimology*, Jakarta: PT Djambatan, 2007, page. 122.

³Arina Sliviana et al., "From Law on the Books to Law in Action: Legal Protection for Women Victims of Physical and Sexual Harassment under Indonesia's UU TPKS," *International Journal of Educational Review, Law, and Social Sciences (IJERLAS)*, Vol. 6, No. 2, 2026. Page 259. <https://radjapublika.com/index.php/IJERLAS/article/view/5220/4482>

⁴Nurhadisah Safira et al., "Legal Protection for Minors Who Are Victims of Sexual Abuse at the Integrated Service Center for the Empowerment of Women and Children in Banda Aceh," *Journal of Innovative and Creativity*, Vol. 6, No. 1, 2026. page 4903. <https://joecy.org/index.php/joecy/article/view/7428>

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apathetic personality. These impacts not only hinder a child's growth and development but can also affect the child's ability to fulfill their social roles in the future.

Although the 1945 Constitution guarantees the right to protection and the right to be free from all forms of violence as part of every citizen's constitutional rights, sexual violence against children continues to occur. This situation indicates that existing legal protections have not yet been fully effective in preventing sexual violence against children or in mitigating its impact on victims. In addition to enforcing the law against perpetrators, more comprehensive protective measures are needed, including economic empowerment for victims and their families, to support the recovery process, improve well-being, and ensure a sustainable future for child victims of sexual violence.

Furthermore, in cases of sexual violence occurring within the household particularly when the perpetrator is the victim's parent criminal prosecution is a legal consequence that must be enforced as a form of accountability.⁵ However, such prosecution also raises another important issue: the continuity of care and the fulfillment of the child victim's basic needs. When a parent who is the perpetrator is sentenced to prison, the question arises as to who will be responsible for caring for, raising, and meeting the economic needs of the child victim. Children fundamentally lack the ability to meet their own needs and still require guarantees for basic necessities such as a safe place to live, education, care, and adequate support to foster their growth, development, and future.

From the perspective of victim protection, children who are victims of sexual violence may experience suffering on two levels simultaneously. First, suffering that arises as a direct result of the crime they have experienced, whether in the form of physical, psychological, or social harm. Second, suffering that arises as a consequence of the criminal justice process they must undergo, including the various social and economic impacts that accompany it. Protection for victims cannot be limited solely to law enforcement and the punishment of perpetrators it must also encompass efforts at moral and psychological recovery that comprehensively address the victim needs.

Moreover, the purpose of criminal punishment is not merely to inflict suffering on the perpetrator but must also benefit society at large. In line with the thinking of Jeremy Bentham, as cited by Teguh Prasetyo and Abdul Halim Barkatullah, the purpose of law in achieving justice is to create "the greatest happiness of the greatest number" that is, the greatest possible well-being for as many people as possible.⁶ In this context, criminal law policy should not only focus on punishing offenders but also take into account the interests and well-being of victims as the parties most affected by criminal acts.

Based on the background described above, this study examines in greater depth the urgency of economic empowerment in realizing legal protection for child victims of sexual violence.

Method

This study employs a normative legal research approach conducted through a literature review using secondary data sources, including primary, secondary, and tertiary legal materials. The collected data are analyzed using qualitative methods. The qualitatively analyzed data are presented in the form of a systematic explanation that clarifies the relationships among various types of data. Subsequently, all data are selected and organized descriptively not merely to explain situations or phenomena at the level of positive and empirical law, but this study also aims to address specific legal issues and identify solutions, thereby enabling the drawing of conclusions.⁷

Discussion

According to Sudarto, criminal policy is a course of action taken by the state through authorized institutions to establish regulations deemed capable of accommodating the needs of society and achieving the desired objectives. On another occasion, Sudarto explained that legal policy is an effort to establish sound legislation that is appropriate to the

⁵ popmama.com dengan judul "Kronologi Ayah Perkosa Anak Kandunganya Selama 2 Tahun". Klik untuk baca: <https://www.popmama.com/life/health/putri-syifa-nurfadilah/kronologi-ayah-perkosa-anak-kandunganya-selama-22-tahun?page=all>; serta baca juga dalam artikel detiksumbagsel, "Teganya Tukang Sate di Lampung Utara Perkosa Anak Kandung Selama 2 Tahun" selengkapnya <https://www.detik.com/sumbagsel/berita/d-7735396/teganya-tukang-sate-di-lampung-utara-perkosa-anak-kandung-selama-2-tahun>

⁶ Teguh Prasetyo and Abdul Halim Barkatullah, *Philosophy, Theory, and Legal Science: Thoughts Toward a Just and Dignified Society*, Depok: Rajagrafindo Persada, 2016. page 111-112.

⁷ Syaiful Asmi Hasibuan, "General Elections as an Embodiment of Citizens' Political Rights," *IJERLAS*, Vol. 3, No. 2, 2023. Page 654. <https://radjapublika.com/index.php/IJERLAS/article/view/766/661>

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conditions of society.⁸ In line with this view, Barda Nawawi Arief states that the implementation of criminal law policy must be carried out systematically through comprehensive criminal law enforcement as a policy process comprising several stages:⁹

- a. The formulation stage, which is an abstract stage of law enforcement carried out by the legislative branch. This stage is often referred to as the legislative stage or the legal policy formulation stage;
- b. The application stage, which is the stage of implementing criminal law by law enforcement officials, ranging from the police to the courts. This stage is also known as the judicial stage;
- c. The enforcement stage involves the implementation of criminal sanctions by authorized officials. This stage is often referred to as the executive or administrative stage.

The policy formulation stage is the initial phase that serves as the foundation for the implementation of the law during both the application and enforcement stages. Therefore, the quality of the policies formulated during this stage will significantly determine the overall effectiveness of law enforcement. In addition to a systematic approach to combating criminal offenses, criminal law policy also encompasses the aspect of criminal law reform. Criminal law reform is an effort to align criminal law provisions with the fundamental values embedded in society, whether in the socio-political, socio-philosophical, or socio-cultural dimensions of the Indonesian nation. These values form the foundation for the formulation of social policy, criminal law policy, and law enforcement practices in Indonesia. Thus, criminal law reform is not only policy-oriented but must also prioritize the values that are alive and evolving within society.¹⁰ The policy approach to criminal law reform includes:¹¹

- a. As part of social policy, criminal law reform is, in essence, part of efforts to address various social issues including humanitarian issues to support the achievement of national development goals;
- b. As part of criminal policy, criminal law reform is essentially part of efforts to protect society, particularly in the context of preventing and combating criminal offenses;
- c. As part of law enforcement policy, criminal law reform is essentially part of efforts to improve the substance of the law in order to achieve more effective, fair, and rights-oriented law enforcement.

From the perspective of criminal law reform, such reform is essentially an effort to review and re-evaluate the socio-political, socio-philosophical, and socio-cultural values that form the basis for shaping the substance of criminal law. The process of criminal law reform cannot be separated from the stages of formulation, application, and enforcement. In this context, criminal law serves as the primary instrument for achieving specific objectives within the criminal justice system. These objectives can be viewed from the perspectives of the perpetrator, society, and the victim:¹²

- a. Offender: For the perpetrator of a criminal act, the imposed sanction is expected to serve as a form of accountability for the act committed against the victim. Additionally, the imposed punishment is intended to have a deterrent effect, thereby preventing the offender from repeating the same act in the future;
- b. Society: The imposition of criminal sanctions on offenders is intended to raise public awareness of the consequences of criminal acts. These sanctions also serve as a preventive measure to deter members of society from committing unlawful acts;
- c. Victim: The imposition of legal sanctions on perpetrators is fundamentally a form of legal protection for victims. Through firm law enforcement, the state demonstrates its commitment to protecting victims' rights and ensuring a sense of justice for victims regarding the criminal acts they have endured.

However, legal protection for victims cannot be fully realized solely through the imposition of sanctions on perpetrators. Comprehensive protection also requires efforts to support victims' recovery, including through economic empowerment that supports their livelihood, psychosocial recovery, and the fulfillment of the rights of child victims of sexual violence.

⁸M. Hamdan, *The Politics of Criminal Law*, Jakarta: Raja Grafindo Persada, 1997, page 19.

⁹Muladi, *Selected Topics in the Criminal Justice System*, Semarang: BP Undip, 1995, page 13.

¹⁰Barda Nawawi Arief, *An Anthology of Criminal Law Policy (Developments in the Drafting of the New Criminal Code)*, Jakarta: Kencana, 2008, page 31.

¹¹*Ibid*, page 32.

¹²Abdul Wahid and Muhammad Irfan, *Protection for Victims of Sexual Violence (Advocacy for Women's Human Rights)*, Bandung: PT Refika Aditama, 2001, page 95-96.

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According to Baharuddin Lopa, “Fundamentally, the purpose of law is to uphold justice in order to maintain public order. In this context, decisions made by judges should reflect a sense of justice that the public must follow. The public needs to strengthen its respect for the law and uphold it”.¹³ The purpose of criminal law in Indonesia is inseparable from the historical development of the existing criminal justice and sentencing systems. Thus, the purpose of criminal law is closely linked to the system of sentencing applied to perpetrators of criminal offenses.¹⁴ Through this system, criminal law functions not only as a means of imposing sanctions but also as an instrument to realize justice, provide protection to society, and ensure the protection of the rights of victims of criminal offenses.

Aruan Sakidjo and Bambang Purnomo explain that, in principle, criminal law governs the imposition of negative sanctions. Subsequently, the view emerged that the application of criminal sanctions should be used as a last resort (*ultimum remedium*) that is, when other measures are no longer effective in resolving a problem. Criminal sanctions are viewed as a response to a criminal offense in the form of suffering intentionally imposed by the state through authorized institutions upon the perpetrator. This suffering is the direct objective of criminal punishment, while its long-term objective is directed toward the rehabilitation and behavioral reform of the perpetrator.¹⁵ In this context, criminal punishment also serves a resocialization function that is, an effort to reintegrate the offender into society in a responsible manner. Furthermore, criminal punishment aims to prevent criminal acts in the medium term and to support the creation of societal well being in the long term.

According to the classical school of thought, the purpose of criminal law is to protect individuals from the potential abuse of power by authorities or the state. This school advocates for a criminal justice system that is fairer, more objective, and respectful of every individual’s rights through the application of laws grounded in the principles of legal certainty and justice. Meanwhile, modern criminal law does not focus solely on imposing sanctions but also emphasizes the importance of analyzing the factors leading to criminal acts, developing preventive measures, and protecting society from various forms of crime. Thus, criminal law serves as an instrument for the protection of society as well as a means to achieve justice and protect victims of criminal acts.¹⁶

The objectives of criminal law in Indonesia are set forth in Law No. 1 of 2023 on the Criminal Code (KUHP). Chapter III, Section One, which governs the Objectives and Guidelines for Sentencing, explains that sentencing has specific objectives that serve as the basis for imposing criminal penalties on offenders:

KUHP Article 51 “The purpose of sentencing is:

- a. to prevent the commission of criminal offenses by enforcing legal norms for the protection and welfare of society;
- b. to rehabilitate convicted offenders through guidance and counseling so that they may become good and productive members of society;
- c. to resolve conflicts arising from criminal offenses, restore balance, and foster a sense of security and peace in society; and
- d. to foster a sense of remorse and relieve the convicted person of a sense of guilt”.

KUHP Article 52 “Punishment is not intended to degrade human dignity”.

The various objectives of criminal law, as articulated by experts and as stipulated in the Criminal Code (KUHP), fundamentally prioritize the protection of society as well as the guidance and rehabilitation of offenders. It cannot be denied that imposing a sentence on the offender is a form of protection for the victim, as it reflects the enforcement of justice and acknowledges the suffering experienced by the victim. Thus, punishment can foster a sense of justice for the victim regarding the criminal act they have endured.

However, this form of protection is essentially still indirect, as it focuses more on imposing sanctions on perpetrators of criminal acts. Therefore, criminal law policy should not only be oriented toward punishing perpetrators but also provide direct protection to victims. This is in line with the primary objective of the legal system, namely to

¹³Baharuddin Lopa, *The Bil-Ilmi Series of Qur’anic Exegesis 03: The Qur’an and Human Rights*, Yogyakarta: Bhakti Prima Yasa, 1996, page 126.

¹⁴Abdul Wahid dan Muhammad Irfan, *Op Cit*, page 96.

¹⁵*Ibid*, page 96.

¹⁶Ninieck Suparni, *The Existence of Fines in the Criminal Justice System and Punishment*, Jakarta: Sinar Grafika, 1996, page 13-14.

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protect the best interests of the child and ensure that legal processes and mechanisms do not have a negative impact on the child's future. This principle must be recognized and respected as a fundamental aspect of human rights protection.¹⁷

In the context of children as victims of sexual violence, comprehensive legal protection must be realized by guaranteeing the continuity of the victims' lives and futures. One form of such protection can be achieved through a social security approach implemented in the form of economic empowerment. These efforts are crucial for supporting the victim's recovery process, improving their well-being, and ensuring the fulfillment of children's rights. Thus, legal protection serves not only as an instrument for upholding justice but also as a means to achieve protection that is just, sustainable, and oriented toward the best interests of the child.

One of the serious challenges faced by child victims of sexual violence is the prospect of a bleak future, which can lead to profound apathy. Furthermore, the experience of sexual violence often results in social exclusion and negative labeling from the surrounding community. The events the victim has experienced often become a stigma that causes the child to be ostracized or treated differently in society. Such stigmatization of child victims of sexual violence can persist over the long term, extending into adulthood. This situation is particularly troubling, given that the state and government have an obligation to provide protection for children,¹⁸ particularly for those who are victims of sexual violence.

Various studies show that sexual violence not only causes physical suffering but can also profoundly undermine the integrity of the victim's life. Such trauma can cause victims to lose their self-confidence, hope, and motivation to live their lives to the fullest. Sexual violence against children must be viewed as a serious issue that not only affects individual victims but also has the potential to threaten national development and the quality of future generations. In this context, legal protection for child victims of sexual violence cannot be adequately achieved through the criminal prosecution of perpetrators alone but also requires comprehensive recovery measures. One crucial form of recovery is economic empowerment, which can ensure the sustainability of victims' lives, enhance their independence, and open opportunities for child victims to build a better future.

Economic empowerment can be understood as an effort to build and strengthen the economic capacity of child victims of sexual violence. These efforts are carried out through encouragement, motivation, and the development of the victims' potential so that they can overcome apathy and transform despair into optimism in facing the future. Economic empowerment is a concrete step toward enhancing the dignity and self-worth of child victims from an economic perspective, while simultaneously helping them move beyond the shadow of a bleak future.

Economic empowerment can be achieved if its primary focus is directed toward addressing the fears and uncertainties about the future faced by child victims. Through guidance, development, and the exploration of their inherent potential, child victims are expected to improve their well-being and build economic independence in the future. Therefore, economic empowerment is a crucial tool in supporting the recovery and legal protection of child victims of sexual violence. One form of economic empowerment that can be provided to child victims is support in the form of capital. Access to capital is one of the most common obstacles faced by individuals who possess the ability, interest, and desire to become entrepreneurs. In the context of child victims of sexual violence, capital support can be provided once the victim reaches adulthood and is ready to develop a business or engage in productive economic activities. With such support, victims gain greater opportunities to improve their standard of living and achieve economic independence.

In addition to focusing on victims' recovery, economic empowerment is also aligned with the national objectives stated in the Preamble to the 1945 Constitution, namely to protect the entire Indonesian nation and all its people, to promote general welfare, to enlighten the nation's life, and to participate in establishing world order based on freedom, eternal peace, and social justice. Thus, economic empowerment can serve as a form of protection that is oriented toward the future of child victims of sexual violence. Through economic empowerment, it is hoped that child victims will be able to free themselves from the shadow of a bleak future, develop greater self-confidence, and grow into optimistic individuals capable of planning and living their lives. Ultimately, the successful recovery and empowerment of child victims not only benefits the individuals concerned but also contributes to improving the quality of human resources and the progress of the nation.

¹⁷Cindy Shafira et al., "The Principle of the Best Interests of the Child in Law Enforcement Against Children Who Commit Rape," *International Journal of Educational Review, Law, and Social Sciences (IJERLAS)*, Vol. 5, No. 3, 2025, page 769. <https://radjapublika.com/index.php/IJERLAS/article/view/2772/2209>

¹⁸ Law Number 35 of 2014 Amending Law Number 23 of 2002 on Child Protection, article 20.

Conclusion

It cannot be denied that imposing criminal penalties on perpetrators is one form of care and protection provided to victims through the realization of a sense of justice regarding the criminal acts they have experienced. However, since this form of protection is essentially still indirect, criminal law policy should not only focus on punishing perpetrators but also provide direct protection to victims. In the context of child victims of criminal offenses, such protection can be realized by ensuring the victims' future from a social security perspective, one of which is through economic empowerment. Economic empowerment for child victims of sexual violence is expected to improve their living conditions by addressing various issues related to enhancing their quality of life, independence, and well-being. Thus, economic empowerment is a strategic step in supporting the recovery process and strengthening legal protection for child victims of sexual violence. Economic empowerment can also be understood as an effort to build and strengthen the economic capacity of child victims and their families so that they have greater opportunities to lead better lives in the future.

One form of economic empowerment for child victims of sexual violence can be achieved through the provision of capital support. Access to capital is a common obstacle faced by individuals who have the potential, interest, and desire to develop business activities or become entrepreneurs. Therefore, capital support can serve as a means to help victims develop their economic capabilities and achieve economic independence in the future. In addition to benefiting individual victims, successful economic empowerment can also contribute to improving the quality of human resources, which ultimately supports the progress of the nation.

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