

Analysis of Offense Sexual Abuse on The Psychological Effects of Victims

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Received: 2023-June-10

Rev. Req: 2023-July-10

Accepted: 2023-August-15



10.59683/ijls.v2i3.61

How to cite this paper: Febriansyah, F.I., Ikhwan, A., Agiyanto, U. & Saputri, P.D. (2023). Analysis of Offense Sexual Abuse on The Psychological Effects of Victims. *International Journal of Law and Society (IJLS)*, 2(3), 226-237. <https://doi.org/10.59683/ijls.v2i3.61>

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ABSTRACT: *The population level of citizens must be balanced with the high level of welfare of the Indonesian population. Every citizen has the right to obtain it by allowing it to grow and develop optimally, physically, mentally, socially and as a personality. One of the efforts is to protect against violence, in this case, sexual violence. This study aims to reveal the impact caused by victims of sexual abuse. The results of this study explain that the psychological impact of sexual harassment is quite a lot, such as somatization, nervous pain, chronic pain, changes in sexual behaviour, schooling, learning problems, and problems including the use of illegal drugs, self-harm, cruelty to animals, human crime. Grown up and committed suicide. Therefore, the state's role is to provide legal protection to create a sense of security and legal guarantees for the obscenity that befalls them.*

Tingkat populasi warga negara harus diimbangi dengan tingginya tingkat kesejahteraan penduduk Indonesia. Setiap warga berhak memperoleh secara utuh dengan cara membiarkannya tumbuh dan berkembang secara optimal, baik fisik, mental, sosial, maupun kepribadiannya. Sebagai upaya salah satunya adalah melakukan perlindungan terhadap tindak kekerasan, dalam hal ini kekerasan seksual. Penelitian ini bertujuan mengungkap dampak yang ditimbulkan korban akibat penganiayaan seksual. Hasil penelitian ini menjelaskan bahwa dampak psikologis dari pelecehan seksual cukup banyak, seperti somatisasi, sakit saraf, sakit kronis, perubahan perilaku seksual, sekolah, masalah belajar, dan masalah termasuk penggunaan obat-obatan terlarang, menyakiti diri sendiri, kekejaman terhadap hewan, kejahatan orang dewasa, dan bunuh diri. Oleh karena itu, peran negara sangat penting untuk memberikan perlindungan hukum guna menciptakan rasa aman dan jaminan hukum atas kecabulan yang menimpa mereka.

Keywords: *Sexual Violence, Psychological Impact, Victims of Violence.*

I. INTRODUCTION

Indonesia is a legal state actively oriented towards fulfilling and realizing people's welfare (Ridwan, 2014). It's according to the purpose of the founding of the Indonesian state, which is to protect the entire Indonesian nation and all of Indonesia's bloodshed; promote the general welfare; enrich the life of a country; and participate in maintaining world-order based on freedom, eternal peace, and social justice (Preamble to the 1945 Constitution) (Elviandri et al., 2019);(Putra, 2021). The welfare of the people is further elaborated in Article 28 H of the 1945 Constitution, which states that every Indonesian citizen has the right to live in physical and spiritual prosperity, to have a place to live and to have a good environment, to receive health services, and to social security (Riwanto, 2018);(Hadiyono, 2020).

Article 1, paragraph 1 of Law Number 35 of 2014 concerning amendments to Law Number 23 of 2002 concerning Child Protection defines a child as someone who is not yet 18 (eighteen years old), including children who are still in the womb (Asrul, 2018). As part of Indonesian citizens, children have rights and obligations attached to them. Law Number 1 of 1974 implies that children's rights are protected, for example, the right to life, the right to avoid pain, the right to prevent hunger, the right to avoid fear, and the right to avoid violence and persecution. Fulfilment of children's rights must be carried out without discrimination. Children need to get the opportunity to grow and develop optimally, physically, mentally, socially, and with personality, and protect efforts to fulfil their rights (Utami, 2015).

This protection for children is according to the mandate of Law Number 23 of 2002. And in the context of adjusting the articles contained therein, changes were made to Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Protection Child (Fahlevi, 2015). Child protection is all activities to guarantee and protect children and their rights so that they can live, grow, develop, and participate optimally according to human dignity and get protection from violence and discrimination (Fitriani, 2016). Children need protection when dealing with the law, especially when they are victims of sexual violence (Sudjarat, 2011).

Sexual violence is generally considered part of violence against women, even though, in essence, the perpetrators and victims can be male or female (Hairi, 2015). However, in reality, the majority of women are victims (Farid et al., 2022). As a result of acts of sexual violence, victims will experience various physical, psychological, sexual, and social impacts. This impact is very burdensome for victims because prolonged trauma makes victims feel that there is no hope for the future (Adila & Putri, 2023). This study will discuss the criminal act of sexual abuse of children, which causes a psychological effect on the child (victim).

II. METHOD

This research uses normative research methods with case studies on the study of laws. The law being studied is Law No. 35 of 2014 concerning amendments to Law No. 23 of 2002 concerning Child Protection. The research focuses on analysing criminal acts of obscenity that impact the victim's psychology. Sources of data used include primary legal sources (Law No.35 of 2014 on amendments to Law No.23 of 2002 concerning Child Protection), secondary legal sources (journals, books, and documents that review sexual abuse), and sources tertiary law (law dictionaries, encyclopedias, magazines, and newspapers). The data analysis technique is carried out by analyzing the data using a description that aims to describe objectively to improve its relation to the problem of the criminal act of obscenity, which has an impact on the psychology of the victim.

III. RESULT AND DISCUSSION

Obscenity is one of the criminal acts regulated in the Criminal Code and other laws and regulations. Analysis of the offence of obscenity according to each statutory regulation is described as follows:

Law Number 23 of 2002 Article 82 concerning Child Protection

"Whoever deliberately commits violence or threats of violence, coerces, tricks, lies or persuades children or to commit or allow obscene acts to be carried out..."

Using the word "Whoever" means that the perpetrator can be anyone, and anyone can be a perpetrator.

1. The element of "intentionally committing violence or threats of violence, forcing, deceiving, series of lies or persuading children or to commit or allow obscene acts to be carried out" in this element, there are several things that must be considered and can have their meaning. There are several groupings of substances from the details above, which can be interpreted as follows:

- a. Intentional Elements

This element means that an act, in this case, is violent against children; if it is done intentionally, it is included in a criminal act. That is, acts committed purely on purpose to commit crimes against other people.

- b. Elements of Doing

The meaning of this element is action. It means whether the deed was done or not. In this context, the activities were committed, and there is authentic evidence that the acts were committed.

- c. Elements of Violence or Threats of Violence

In this element, the meaning is that you have committed an act and have not committed a show, but there has been a threat to execute an action in the context of violence. That is, if someone commits violence or only makes threats

that result in violence later, that is included in the element of criminal violence. The essence of this element is the crime.

d. Force Element

This element means that what was done by the perpetrator of the crime or done by someone was forced to do something, meaning that the context of coercion to do something that is not supposed to be one of the elements in this article.

e. Elements of Performing Feints

In this element, what is meant by deception is deception. What is said and done is just a lie to facilitate the crime that will be committed and impact criminal acts.

f. Elements of Comprehensive Lies or Persuading a Child or to Perform or Allow Obscene Acts to Be Done

In the elements above, the meaning is a crime if there is coercion. There is deception and lies or things that make someone believe the lie, in this case, that causes a crime to occur with the object being a child, which can cause the child to want to take action immoral where the child has not been allowed to commit these actions, then this is included in the elements of a crime of violence or obscenity. On the other hand, in this article, there is also the word "allowing obscenity to be carried out", meaning that if someone knows or someone is going to commit an act of obscenity, and the response tends to be left without any action, then this can be upsetting to the victim. This means that this is included in the elements of the crime of obscenity.

2. Criminal Code Article 289 of the Criminal Code

"Anyone who with violence or threats of violence forces someone to commit or allow obscene acts to be carried out is threatened with committing an act that attacks the honour of decency, is threatened with imprisonment for a maximum of nine years."

In the above article, it can be analyzed that the main object of the crime of obscenity is decency, which in its crime acts damages the honour of a person so that the term sexual harassment appears. Here it can be analyzed that obscenity is a criminal act whose effect impacts a person's psyche, especially when the person is underage. This crime is not only referred to as a crime that is committed physically but is also a mental crime that can interfere with a person's psychology which causes a person to become traumatized or stressed. The offence or the sentence "threat of violence" contained in the article proves that it is possible that the act has not been committed, but the threat was already there. This proves that this crime is a crime that attacks a person's mental and psychic.

3. Article 290 paragraph 2 of the Criminal Code concerning Child Abuse

"Whoever commits an obscene act with someone known to be not yet fifteen years old or if the age is unclear and the person concerned is not yet ready to marry."

The article above explains that what is meant is victims of criminal acts of abuse who are less than 15 years old, and this means that the classification of victims is that they are still children who are still not allowed to know intimate things that are usually done in criminal acts of abuse. Of course, this is of particular concern because the impact will later lead to the psychology of victims whose classification is still a child.

4. Article 290 paragraph 3 concerning Child Abuse

"Whoever persuades someone who he knows or should reasonably suspect that he is not yet fifteen years old or whose age is not yet clear, that it is not yet time for him to marry to commit or allow obscene acts to be committed, or to have intercourse outside of marriage with another person."

In this article, the main object or context is a person who is still a child. The age of the children, of course, is still foreign, and they are not allowed to know intimate things that adults should learn and understand. In this case, education or knowledge related to the world of sexuality. Of course, if children hear this, it will be foreign to them. This is the focus of this article. In that article, it is explained that whoever, in this case, deliberately invites someone who is still a child to commit immoral acts, even obscene or obscene acts, then what that person does is already a lousy crime and becomes a criminal act of obscenity.

On the other hand, it will relate to the Child Protection Act. If you look at this article, the physical injuries resulting from obscenity can be cured medically, but what becomes fatal is the psychological effect. Logically, suppose a child becomes a victim of immorality or indecency. In that case, the most severe consequence is the psychological impact because they don't know and don't understand what is happening to them, and that is an act that may be the worst thing for them because of the impact it causes.

5. Law Number 35 of 2014 concerning Child Protection Article 81, paragraph 1

"Everyone violates the provisions referred to in article 76 D with a minimum imprisonment of 5 years, a maximum of 15 years, and a fine of 5,000,000,000.00 (five billion rupiah). Article 81, paragraph 1 76 D reads: "Everyone is prohibited from committing violence and threats of violence to force children to have intercourse with or other people."

In the above article, it can be analyzed that children are indeed a notable exception. A crime committed against a child is a crime of a unique nature. In the analysis of this

article, anyone who commits violence or threats of violence resulting in forcing a child to commit immoral acts or intercourse with another person will be subject to sanctions, as attached in the article. This proves that the government's anticipation of criminal acts of obscenity, especially against children, receives special attention. This specialization looks at the effects caused by sexual violence received by victims of obscenity crimes. The psychological effects that are generated are pretty significant. Therefore, it is necessary to have special rules or protection against crimes of sexual immorality, especially against children.

Based on an analysis of several articles and regulations in the Criminal Code and Law 35 of 2014 concerning Child Protection related to sexual abuse offences against the psychological effects they have on victims of criminal acts of sexual abuse, it can be concluded that several primary contexts are at the core of some of these regulations. If we review the Criminal Code, the offences discussed are only related to who the perpetrators were, the punishment's object, who the victims were, and what the sentence was for the perpetrators of the crime who committed it. The Criminal Code includes all Criminal elements, especially in Article 289 and Article 290, paragraphs 2 and 3. Article 290 explicitly discusses victims under the age of 15, which means they can be categorized as children. This means that this article has not regulated the protection of victims. It only governs the crime and the category of the victim. Suppose this research discusses the psychology of victims, of course. In that case, the aspects that can be seen are aspects of the discussion mentioned in Article 290 of the Criminal Code, which explains that victims under 15 years of age are classified as children. From this aspect, it can be analyzed that if the victims of criminal acts of sexual abuse are still children, of course, it will cause quite a significant psychological effect if it occurs to them because these crimes are sex crimes or immoral crimes where children do not know and understand them.

Law Number 35 of 2014, concerning Child Protection Article 81, paragraph 1, also explains almost the same thing as stated in the Criminal Code Article 290. It may be concluded that this law elaborates general rules to special laws drawn from Article 290 of the Criminal Code becomes Law Number 35 of 2014 concerning Child Protection. This means that the several offences discussed above have not been discussed significantly related to the psychological effects received by victims of criminal acts of sexual abuse and how to deal with the psychological healing of victims of crimes that have occurred to these victims. It is essential to understand the psychology of the victim to anticipate that it is not only the perpetrators who must receive punishment but also the psychological effects of the victims of sexual abuse crimes.

The Impact of Cases of Criminal Sexual Obscenity Against the Psychology of Victims

Criminal cases are familiar in Indonesia. The large number of criminal cases in Indonesia means that the rule of law must keep abreast of developments. One of the criminal cases that may have been phenomenal in Indonesia is the criminal case of obscenity. In the Big Indonesian Dictionary, Obscenity is a dirty and heinous process or act that acts indecently or violates decency or decency. The definition of obscenity is all good deeds done to

oneself or to other people regarding and related to the genitals or other parts of the body that can stimulate sexual desire. Criminal obscenity is a criminal case with the object of immoral acts or harassment of someone, especially those committed against children or someone who is still underage. The criminal act of sexual abuse has recently received much public attention because of the significant increase in cases. In theory, criminal abuse is regulated in the Criminal Code Article 289.

Children are a gift from God Almighty that cannot be replaced. Children are part of the younger generation as one of the human resources who are potential successors to the ideals of struggle to ensure complete, harmonious, harmonious and balanced physical, mental and social growth and development. Children have limitations in understanding and protecting themselves from various influences of the existing system. When children are involved in legal issues, the state must protect children through laws and regulations, including Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (Prakoso, 2013);(Prakoso, 2015). The intended protection is a legal guarantee for what happened to him; everything that can mitigate his losses when he becomes a victim is what protection means. In the Indonesian Criminal Code, crimes in the form of obscenity are regulated in Article 289 of the Criminal Code. This article is held in Book II, Chapter XIV, concerning Crimes Against Decency. Article 289 states as follows: "Whoever using violence or threats of violence or threats of violence forces someone to commit or allow obscene acts to be carried out, is punished for committing an act violating decency with a maximum imprisonment of nine years" (Haynes, 1989).

Someone who has committed a crime can be subject to sanctions if these elements have fulfilled the details of a crime. The details of a criminal act must be met, among others, is an act fulfilling the formulation of the law and is against the law committed by a person or group of people deemed capable of being responsible. Article 289 of the Criminal Code stipulates: "Anyone who uses violence or threats of violence to force a woman to have sex with him outside of marriage is threatened with committing decency, with a maximum penalty of twelve years. A nation with a strategic role and unique characteristics and characteristics needs training and protection. Child perpetrators who commit sexual violence also do not deserve to be punished because they see the condition they may be in when committing the crime under pressure or bad influence from other people or the surrounding environment. (KUHP Article 289).

The factors that a person commits sexual violence include economic factors, culture, family, education, environment, association, and technological sophistication. However, the role of the family is very influential in the mental education of a child. Parents are obliged to care for, nurture, educate, and protect children. The impact of the criminal act of sexual abuse on the psychology of the victim is certainly quite a lot and will significantly affect the victim's future. Acts of sexual violence cause trauma to victims both physically, psychologically, and socially. The victim's psychological trauma is in the form of various psychological disorders.

According to (Yoga, 2018), the impact of acts of sexual violence traumatizes victims as follows don't trust other people, fear or worry about sexual intercourse, depression,

want to kill themselves, self-harm, feeling low self-esteem, feeling guilty, angry, alone, don't want to hang out with other people, and eating irregularly.

The psychological impacts caused above are things that need attention because victims whose classification is still a child will still go through a reasonably long life process. This forces them to experience an earlier maturation process where their time should be when they are still learning and playing; inevitably, they must know and understand things they should only know when they grow up. The psychology of victims of criminal acts of obscenity will be very vulnerable and vulnerable. The trauma caused by sexual crimes cannot be healed quickly. This can be concluded that, indeed, the crime of sexual abuse, especially those committed against children, is very terrible and needs to be anticipated by the government and the state; education and learning of parents is an essential thing to protect their children from the crime of abuse.

In addition to the psychological impact, victims of criminal acts of sexual abuse will also experience significant social consequences. Humans who live with many people will undoubtedly be very detrimental to victims if what they share is known by people in their surroundings. Starting from the home environment, play environment, school environment and so on.

Legislation that Regulates the Protection of the Psychological Impact of Victims of Criminal acts of Obscenity

The Criminal Code is a relic or product of the Netherlands promulgated through the Staatsblad (state sheet), which was previously only valid in Java and Madura through law No. -law number 1 of 1946 for the entire territory of the Republic of Indonesia. There is a desire to establish a Criminal Code, which is new because the old Criminal Code was a product of the Dutch East Indies government. So now RKUHP has been prepared for national products. The high level of sexual abuse offences must be balanced with a system of criminal responsibility for these offences to have a deterrent effect and reduce the crime of sexual abuse. So the design of criminal responsibility for sexual abuse is regulated in the Criminal Code (KUHP). 289 to article 296. Meanwhile, in the RKUHP system policy, Criminal responsibility for obscenity offences is held in the second book of chapter XV Criminal Acts of Decency Part Five, obscenity acts, namely Articles 421 to Article 429.

As a rule-of-law country, Indonesia will anticipate all crimes with the proper rule of law. When discussing victims, of course, there are special regulations governing victims of crime. The rules governing this have been contained in Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning the protection of witnesses and victims. In this rule, everything that includes victims of crime and witnesses in any crime is regulated here. The essence discussed in Law Number 31 of 2014 is as follows:

1. Regulates the rights of victims and witnesses of crimes.
2. Protect victims and witnesses from discrimination or other things that can harm witnesses and victims in settling a case

3. Regulate all matters relating to witnesses and victims of crime during the settlement of a case.

Law Number 31 of 2014 discusses the rights of victims and witnesses, which they do not get in other laws when someone is a victim of a crime. In other regulations, for example, the Criminal Code Article 289 and Article 290, which regulate the crime of sexual violence or obscenity, it does not explicitly discuss what will be given to the victim of the crime of indecency. That article only discusses the sanctions for perpetrators of criminal acts of corruption. From this, it can be seen that, in fact, in the settlement of criminal cases, it is not enough just to give sanctions to the perpetrators but also to think about the rights of the victims of these crimes. Victims of crime have lost and been harmed as a result of the crime, logically when there is someone who has suffered harm to another person, the person who caused another person to suffer loss must fulfil the obligation to restore the rights of the person who was harmed, and this is not in the Criminal Code Articles 289 and 290. Law Number 31 of 2014 concerning the protection of witnesses and victims has regulated the rights of witnesses and victims as stipulated in Article 5, which, after being examined by researchers, found the following results:

1. Participate in the process of selecting and determining forms of security protection and support
2. Get a translator
3. Give information without pressure
4. Obtain personal, family and property security protection, and be free from threats relating to testimony that will be, is being given, or has been given.
5. Free from ensnared questions
6. Receive information from court decisions
7. Obtain information regarding the progress of the case
8. Got a new identity.
9. Withheld identity
10. Get a temporary residence
11. Obtain reimbursement of transportation costs as needed
12. Get legal advice
13. Obtain temporary living expenses assistance until the protection deadline expires
14. Get assistance

Law Number 31 of 2014 is a manifestation of the protection of witnesses and victims, including in the context of the psychological safety of victims. If you analyze this law, especially in Article 5, there are several points which lead to the protection of victims, primarily related to the psychological safety of victims; in this case, according to this research, it is the protection of victims of criminal acts of sexual abuse or violence. The first is point 3, namely, giving information without pressure. In a criminal case, especially in cases of sexual violence, the victim's statement will be very much needed to obtain the facts in the trial or reveal the issue. Of course, in this case, the victim's psyche is unstable because this is something that he should not have received. In this law, the state

guarantees that the victim can provide information without pressure. Usually, the state will use a psychiatrist as a psychiatric soother for the victim so that they want to provide information without feeling afraid.

The next point that discusses protecting the psychological impact of criminal acts of obscenity victims is point 2, namely, getting an interpreter. In this case, the translator is a psychologist who will always accompany and translate what the victims of sexual violence or obscenity want to talk about or convey and provide mental healing so that the victim's confidence can return to stability. The next point is point 10 and point 14, where victims of crimes of sexual violence or obscenity get guaranteed assistance and get temporary housing. This is, of course, intended so that the victim gets a new atmosphere, and, on the other hand, in the new place, the victim also gets assistance from a psychologist to heal the psychological impact received as a result of the crime of sexual abuse or violence. In the previous discussion, it was discussed that victims of criminal acts of sexual abuse not only experience physical impacts but psychological impacts that may take longer to heal than physical impacts. The psychological consequences received by victims include:

1. Experiencing anxiety;
2. Depression and panic disorder;
3. Self-harm;
4. Experiencing PTSD (Post-Traumatic Stress Disorder) to the point of suicide.

It is these things that make temporary victims must be kept away from their environment and get assistance from psychologists to heal the psychological wounds that victims experience. On the other hand, this is also expected to restore the victim's confidence to live everyday life and carry out daily activities like others.

An example of a case in decision No.12/Pid.Sus/2020/Kmn is where Defendant Lan Kamakaula, aged 18, committed the crime of molesting Dahlia (the victim), who is still a high school student. This case took place 2019 on December 14, 2019, at SMA Negeri 1 Kaimana. The defendant did this by spontaneously squeezing the victim's breasts, which shocked the victim, Dahlia, and felt embarrassed because, at that time, many people knew about this. In the indictment of the Public Prosecutor, one of the victim-witnesses, Ruth Alfosina Imbiri, stated that the witness said the defendant was under the influence of alcohol. With what the defendant's brother did, the defendant's brother was subject to criminal sanctions in Law No. 35 of 2014 on changes to Law No. 23 of 2002 concerning the Protection of Underage Children.

The judge also tried through various considerations and decided that the defendant's brother was proven guilty of committing the crime of molesting a minor. The judge also imposed a sentence of five years in prison and a fine of Rp. 50,000,000 (fifty million rupiah) with the provision that if the fine is not paid, it must be replaced with imprisonment for three months.

IV. CONCLUSION

This paper discusses the crime of sexual abuse and its psychological effects on the victim. Sexual abuse is a sexual act performed by the perpetrator against a victim who does not consent or is underage. The analysis uses a normative juridical approach and refers to the Child Protection Law as the legal basis for protecting children who become victims of sexual abuse.

The psychological effects experienced by victims of sexual abuse are also discussed in this paper, such as trauma, depression, anxiety, anger, shame, and guilt. These psychological conditions can impact the victim's future life, such as difficulties building interpersonal relationships, mental health disorders, and decreased quality of life. Overall, this paper provides a clear and comprehensive overview of sexual abuse and its psychological effects on victims, as well as how the Child Protection Law can provide legal protection for victims.

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