

Law Enforcement Against Children as Perpetrators of Victim Blaming in Sexual Violence Cases

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Abstract

This study critically examines the phenomenon of children as perpetrators of victim-blaming in cases of sexual violence. This dimension has been largely overlooked in legal and child protection policy studies. Using an empirical legal approach that combines normative analysis, case studies, and conceptual analysis, this study aims to evaluate the effectiveness of the law enforcement system against children involved in the practice of blaming victims of sexual violence. The findings show that although there is a fairly progressive legal framework through Law No. 11 of 2012 on the Criminal Justice System for Children, its implementation has not substantively addressed the symbolic aspects of violence. First, legal narratives tend to place children as perpetrators in general, without considering the socio-cultural context behind victim-blaming. Second, the penal system remains textual and lacks a rehabilitative approach consistent with restorative justice principles. Third, diversion mechanisms have not been optimized to address child perpetrators in cases of non-physical violence, such as victim blaming. Fourth, the weak literacy of law enforcement officials regarding the psychosocial and symbolic dimensions of violence results in responses that are procedural and non-transformative. This study suggests strengthening legal interventions based on moral education, social recovery, and cross-sectoral involvement to prevent children's replication of symbolic violence in their social spaces.

Keywords: *Law Enforcement; Child Perpetrators; Victim Blaming.*

Abstrak

Penelitian ini mengkaji secara kritis fenomena anak sebagai pelaku *victim blaming* dalam kasus kekerasan seksual, sebuah dimensi yang selama ini kurang diperhatikan dalam kajian hukum dan kebijakan perlindungan anak. Dengan menggunakan pendekatan hukum empiris yang menggabungkan telaah normatif, studi kasus, serta kajian konseptual, penelitian ini bertujuan mengevaluasi efektivitas sistem penegakan hukum terhadap anak yang terlibat dalam praktik menyalahkan korban kekerasan seksual. Temuan

menunjukkan bahwa meskipun terdapat kerangka hukum yang cukup progresif melalui Undang-Undang No. 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak, pelaksanaan hukumnya belum menyentuh secara substantif aspek simbolik dari kekerasan. Pertama, narasi hukum cenderung menempatkan anak sebagai pelaku umum, tanpa memperhatikan konteks sosial-budaya yang melatarbelakangi tindakan *victim blaming*. Kedua, sistem pemidanaan masih bersifat tekstual dan minim pendekatan rehabilitatif yang sesuai dengan prinsip keadilan restoratif. Ketiga, mekanisme diversion belum dioptimalkan untuk menangani pelaku anak dalam kasus kekerasan non-fisik seperti penyalahan korban. Keempat, lemahnya literasi aparat penegak hukum terhadap dimensi psikososial dan simbolik kekerasan menyebabkan respons yang cenderung prosedural dan tidak transformatif. Penelitian ini menyarankan penguatan intervensi hukum berbasis pendidikan moral, pemulihan sosial, dan keterlibatan lintas sektor guna mencegah replikasi kekerasan simbolik oleh anak dalam ruang sosialnya.

Kata kunci: *Penegakan Hukum; Anak Pelaku ; Victim Blaming.*

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Introduction

Sexual violence is one of the most deeply rooted and recurring forms of gender-based violence, especially against women. It stems from social constructs that position women as sexual objects and inferiors in power relations between men and women.¹ This phenomenon confirms that violence against women is not merely an individual act, but a manifestation of historical structural power relations.² The legal system often fails to

¹ Suzanne St. George, Emily Denne, and Stacia N. Stolzenberg, "Blaming Children: How Rape Myths Manifest in Defense Attorneys' Questions to Children Testifying About Child Sexual Abuse," *Journal of Interpersonal Violence* 37, nos. 17–18 (September 2022): NP16623–46, <https://doi.org/10.1177/08862605211023485>.

² Elizabeth Fast and Cathy Richardson/Kinewesquao, "VICTIM-BLAMING AND THE CRISIS OF REPRESENTATION IN THE VIOLENCE PREVENTION FIELD," *International Journal of Child, Youth and Family Studies* 10, no. 1 (February 2019): 3–25, <https://doi.org/10.18357/ijcfs101201918804>.

provide proportional justice for victims.³ Investigations and case handling often proceed slowly, are biased, and are accompanied by victim-blaming practices, which is the tendency of society or authorities to blame the victim for the incident rather than the perpetrator.⁴

Victim blaming usually stems from rape myths, such as the belief that victims are responsible because of the way they dress, their social behavior, or because they have a personal relationship with the perpetrator. On the one hand, victims who dare to speak out often face social stigmatization and psychological pressure; on the other hand, victims who choose to remain silent contribute to the perpetrator's impunity and perpetuate the cycle of unresolved violence.⁵ This situation makes sexual violence one of the most difficult crimes to uncover and prosecute thoroughly.⁶

In Indonesia, the latest data from the Indonesian Child Protection Commission (KPAI) shows that in 2024, children were victims of sexual violence in 252 cases, making it the highest type of child protection case in the period from January to September.⁷ Furthermore, there were also 33 cases involving children as perpetrators of crimes, indicating that children's involvement in sexual violence is not only as victims but also as legal perpetrators. This phenomenon reveals a new dimension of sexual violence, namely the involvement of children as perpetrators of victim blaming, whether directly, verbally, online, or in other forms of social interaction, which so far has not been the focus of legal policy or academic discourse.⁸

³ D. Charly and K.J. Reddy, "Understanding Blame Attributions in Rape among Legal Professionals," *International Journal of Criminal Justice Sciences* 14, no. 2 (2019): 222–38, <https://doi.org/10.5281/zenodo.3719281>.

⁴ Eliya Habba et al., "The Perfect Victim: Computational Analysis of Judicial Attitudes towards Victims of Sexual Violence," version 1, preprint, arXiv, 2023, <https://doi.org/10.48550/ARXIV.2305.05302>.

⁵ Claire R. Gravelin, Monica Biernat, and Matthew Baldwin, "The Impact of Power and Powerlessness on Blaming the Victim of Sexual Assault," *Group Processes & Intergroup Relations* 22, no. 1 (January 2019): 98–115, <https://doi.org/10.1177/1368430217706741>.

⁶ Fiona Vera-Gray, "Impacts of Child Sexual Abuse," *CSA Centre*, 2023, <https://www.csacentre.org.uk/research-resources/key-messages/impacts-of-child-sexual-abuse/>.

⁷ Humas KPAI, *Laporan Tahunan Komisi Perlindungan Anak Indonesia (KPAI) 2024 [Annual Report of the Indonesian Child Protection Commission (KPAI) 2024]* (Indonesian Child Protection Commission, 2025), <https://www.kpai.go.id/publikasi/laporan-tahunan-kpai-jalan-terjal-perlindungan-anak-ancaman-serius-generasi-emas-indonesia>.

⁸ Afroditi Pina et al., "Image Based Sexual Abuse Proclivity and Victim Blaming: The Role of Dark Personality Traits and Moral Disengagement," *Oñati Socio-Legal Series* 11, no. 5 (October 2021): 1179–97, <https://doi.org/10.35295/osls.iisl/0000-0000-0000-1213>.

Previous studies have focused more on the role of law enforcement officials, social constructs, and structural biases in the judicial system that often reproduce narratives of victim blaming. For example, Prince et al. found that defense attorneys in the judicial system tend to construct narratives that blame child victims, especially in cases involving older children or those with ambiguous social relationships with the perpetrator.⁹ Research by Rogers et al.¹⁰ and Eelmaa & Murumaa-Mengel also confirmed that factors such as age, clothing style, and stereotypes about the “ideal victim” play a significant role in shaping public and law enforcement perceptions of sexual violence victims.¹¹ On the other hand, studies by Nichols and Amri et al.¹² highlight the psychological challenges faced by law enforcement officials when handling cases of sexual violence against children, ranging from high work stress to weak inter-agency coordination in providing comprehensive protection for victims.¹³

However, all of these studies share a common thread that points to a significant gap: the lack of explicit focus on children's role as perpetrators of victim blaming. To date, research has tended to position children as victims or passive witnesses within the legal system, without highlighting how the social construction of victim blaming is replicated by children in their actions, whether verbally, online, or in other social interactions.¹⁴ Furthermore, there are no studies that critically evaluate the legal approach to children who engage in victim blaming within the framework of the juvenile justice system. Therefore, further research that addresses this legal dimension is highly relevant

⁹ Eleanor R. Prince et al., “The Construction of Allegedly Abused Children’s Narratives in Scottish Criminal Courts,” *Psychology, Crime & Law* 24, no. 6 (July 2018): 621–51, <https://doi.org/10.1080/1068316x.2017.1399395>.

¹⁰ Paul Rogers, Michelle Lowe, and Katie Reddington, “Investigating the Victim Pseudomaturity Effect: How a Victim’s Chronological Age and Dress Style Influences Attributions in a Depicted Case of Child Sexual Assault,” *Journal of Child Sexual Abuse* 25, no. 1 (January 2016): 1–19, <https://doi.org/10.1080/10538712.2016.1111964>.

¹¹ University of Tartu, Estonia et al., “‘Kui Ongi Tõsi, Siis Ise Süüdi!’ Seksuaalvägivallaga Seonduvad Stereotüübid Ühe Eesti Laste Ja Noorte Veebifoorumi Teemalgatustes Ja Vastustes,” *Mäetagused* 76 (April 2020): 29–62, https://doi.org/10.7592/mt2020.76.eelmaa_murumaa.

¹² Sri Rahayu Amri et al., “Protection against Child Sexual Violence Model: Legal, Health and Educational Perspectives,” *Safer Communities* 24, no. 3 (June 2025): 202–26, <https://doi.org/10.1108/sc-09-2024-0059>.

¹³ Lisa Nichols and Kendra N. Bowen, “Law Enforcement Perceptions of Job Stress and Barriers to Supportive Resources When Working Child Sexual Abuse Cases in the Southern United States,” *Policing: An International Journal* 47, no. 2 (March 2024): 273–84, <https://doi.org/10.1108/pijpsm-09-2023-0121>.

¹⁴ Ling Gao et al., “Moral Disengagement and Adolescents’ Cyberbullying Perpetration: Student-Student Relationship and Gender as Moderators,” *Children and Youth Services Review* 116 (September 2020): 105119, <https://doi.org/10.1016/j.childyouth.2020.105119>.

and urgent to encourage the formulation of policies that not only protect victims but also provide appropriate guidance to child perpetrators involved in the reproduction of symbolic violence against victims.¹⁵

This study aims to analyze law enforcement against children as perpetrators who blame victims in cases of sexual violence. Through more decisive and integrated measures, it is hoped that law enforcement efforts will improve in dealing with children who blame victims in the context of sexual violence. In addition, this approach aims to reduce and prevent injustice between victims and perpetrators.

Exposure to a culture of violence, weak parental supervision, and access to uncontrolled digital content contribute to the formation of victim-blaming attitudes from an early age.¹⁶ In this context, children's involvement in victim blaming is not merely a behavioral error but a result of social construction and an environment that is permissive toward symbolic violence. Therefore, it is important to encourage research that focuses not only on victim protection, but also on law enforcement and guidance for children as perpetrators of victim blaming proportionately and humanely.

Research Methodology

This study falls under empirical legal research, which seeks to understand law as written norms and a living and evolving social phenomenon within society. To examine the issue of children as perpetrators of victim blaming in cases of sexual violence, several approaches were used, namely: the legal approach, the case approach, and the conceptual approach. The legal approach was used to examine relevant legal provisions, particularly those related to the juvenile criminal justice system, protection of victims of sexual violence, and the principles of restorative justice. Meanwhile, the case approach examines several real cases involving children as perpetrators who blame victims, to understand the factual dynamics and the legal responses applied. The conceptual approach is used to analyze legal theories, the concept of victim blaming, and the psychosocial perspectives underlying children's actions of blaming victims.

The data sources in this study are secondary data, obtained through in-depth literature studies. These data include various legal materials, such as laws, implementing

¹⁵ Maureen C. Kenny and Sandy K. Wurtele, "Preventing Childhood Sexual Abuse: An Ecological Approach," *Journal of Child Sexual Abuse* 21, no. 4 (July 2012): 361–67, <https://doi.org/10.1080/10538712.2012.675567>.

¹⁶ Gao et al., "Moral Disengagement and Adolescents' Cyberbullying Perpetration."

regulations, jurisprudence, and other supporting documents, such as child protection agency reports, previous research results, scientific journal articles, and academic analyses published nationally and internationally. Data retrieval was conducted systematically, prioritizing the relevance and authority of sources, particularly those from indexed legal journals, official reports from state institutions, and evidence-based scientific publications.

The analysis technique used in this study is qualitative analysis, which focuses on a deep understanding of the meaning, processes, and socio-legal relationships that underlie the victim-blaming behavior of children. This analysis does not aim to measure the frequency or quantity of the phenomenon statistically, but rather to interpret the social and normative dynamics that shape children's legal behavior. The analysis process is carried out through steps such as thematic categorization, interpretation of the legal and social context, and critical reflection on implementing norms in law enforcement practices.

Results and Discussion

Victim Blaming in Sexual Violence

Sexual violence against women is an inhumane act and constitutes a violation of human rights, particularly of female victims.¹⁷ Sexual violence is a term used as an equivalent to sexual harassment. When associated with the word “sexual,” it is unsurprising that acts of harassment are closely linked to interactions between individuals of different sexes.¹⁸ These interactions may create potential and triggers for sexual relations. Sexual violence is a criminal act prohibited by legal provisions and is accompanied by specific criminal sanctions for those who violate such prohibitions.¹⁹

Victim blaming is the practice or attitude of assigning blame to the victim of an incident or crime, rather than to the actual perpetrator.²⁰ This behavior tends to focus on the victim's actions or circumstances instead of holding the offender accountable. It is a

¹⁷ John Dirk Pasalbessy, “DAMPAK TINDAK KEKERASAN TERHADAP PEREMPUAN DAN ANAK SERTA SOLUSINYA,” *SASI* 16, no. 3 (September 2010): 8, <https://doi.org/10.47268/sasi.v16i3.781>.

¹⁸ E. Piras, “«She Asked for It!». Gender-Based Violence, Victim Blaming and Epistemic Injustice,” *Ragion Pratica* 2021, no. 1 (2021): 251–72, <https://doi.org/10.1415/100821>.

¹⁹ M. Dika Ramadhan and Sahuri Lasmadi, “Analisis Yuridis Pengaturan Tindak Pidana Pelecehan Seksual Sesama Jenis Ditinjau Dari Perundang-Undangan Indonesia,” *PAMPAS: Journal of Criminal Law* 5, no. 2 (June 2024): 139–56, <https://doi.org/10.22437/pampas.v5i2.33635>.

²⁰ K.D. Harber, P. Podolski, and C.H. Williams, “Emotional Disclosure and Victim Blaming,” *Emotion* 15, no. 5 (2015): 603–14, <https://doi.org/10.1037/emo0000056>.

phenomenon that frequently occurs in various contexts, including sexual violence, domestic violence, accidents, and others.²¹

Currently, many perpetrators of crimes are not only adults. Children can also be perpetrators. This can be seen from the Child Protection Case Data from Complaints to the KPAI in 2023. The data shows that children involved in legal proceedings or as perpetrators account for the fourth-highest number of cases. This indicates that there are still many such cases, and in fact, there has been an increase in the number of children involved in legal proceedings or as perpetrators.

Table 1: Highest Number of Special Child Protection Cases
January-September 2023

No.	Types of Violence	Number
1.	Victims of Sexual Violence	252
2.	Victims of Physical/Psychological Violence	141
3.	Other Cases of Child Abuse	46
4.	ABH (Perpetrators)	33
5.	Victims of Pornography and Cybercrime	11

Source: Indonesian Child Protection Commission

The act of blaming victims of sexual violence reflects a tendency to hold the victim accountable for the incident or crime they experienced. The concept of victim blaming is regarded as a form of justification for injustice by identifying faults or flaws in the victim of the crime. This practice remains prevalent, particularly in social cases such as rape, child neglect, the elderly, women in vulnerable socio-economic conditions,

²¹ Bunga Suci Shopiani, Wilodati Wilodati, and Udin Supriadi, "Fenonema Victim Blaming Pada Mahasiswa Terhadap Korban Pelecehan Seksual," *SOSIETAS* 11, no. 1 (July 2021): 13–26, <https://doi.org/10.17509/sosietas.v11i1.36089>.

and others.²² Several factors contribute to victim-blaming behavior, including a strong belief that the victim is the cause of the sexual violence that occurred.²³

There are several common forms of victim blaming directed at victims of sexual violence, including holding a negative view of the victim, showing a lack of sympathy and empathy, and expressing verbal abuse or insults toward the victim.

Negative Perceptions Toward Victims of Sexual Violence

Victims of sexual violence often receive negative perceptions from their surroundings, which triggers victim-blaming. A meta-analysis study by Janoff-Bulman et al. found that victim attributes, such as clothing that is considered provocative or personal character, significantly increase blame attribution toward victims in rape cases.²⁴ This negative response generally comes from the victim's immediate social environment (family, friends, and local community), which places the victim in a morally inferior position, especially when the victim is perceived to have violated traditional feminine norms or expectations of modesty. A systematic study by Persson and Dhingra shows that victims who have a social connection with the perpetrator face higher levels of blame than victims of strangers.²⁵

In many situations, victims receive demeaning comments even from people they should be able to trust. Statements such as, “Well, it's only natural. Who's to blame if you dress provocatively?” or “No wonder people treat you that way,” illustrate how victims are morally cornered and lose their social credibility.²⁶ Such attitudes not only demonstrate social stigma but also cause secondary victimization, which exacerbates the victim's trauma. Campbell and Raja found that negative responses from the social system—including family and legal responses—worsen the psychological impact on

²² G. Öztemür and E. Toplu-Demirtaş, “Are the Paths to Victim-Blaming Paved with Hostile Sexism, Honor System Justification, and Fragile Masculinity? Evidence from Men in Turkey,” *Sexuality and Culture* 28, no. 1 (2024): 168–86, <https://doi.org/10.1007/s12119-023-10109-8>.

²³ Mark A. Whatley, “Victim Characteristics Influencing Attributions of Responsibility to Rape Victims: A Meta-Analysis,” *Aggression and Violent Behavior* 1, no. 2 (June 1996): 81–95, [https://doi.org/10.1016/1359-1789\(95\)00011-9](https://doi.org/10.1016/1359-1789(95)00011-9).

²⁴ Whatley.

²⁵ Sofia Persson and Katie Dhingra, “Attributions of Blame in Stranger and Acquaintance Rape: A Multilevel Meta-Analysis and Systematic Review,” *Trauma, Violence, & Abuse* 23, no. 3 (July 2022): 795–809, <https://doi.org/10.1177/1524838020977146>.

²⁶ Kim K. P. Johnson and Jane E. Workman, “Blaming the Victim: Attributions Concerning Sexual Harassment Based on Clothing, Just-World Belief, and Sex of Subject,” *Home Economics Research Journal* 22, no. 4 (June 1994): 382–400, <https://doi.org/10.1177/0046777494224002>.

victims by creating feelings of shame, stress, and low self-esteem.²⁷ This phenomenon can also be explained through the belief in a just world, where people blame victims to maintain their belief that the world is fair. Strömwall et al. showed that individuals with a strong belief in a just world are more likely to blame victims, especially young victims or those of a certain gender.²⁸

Verbal Abuse Toward Victims of Sexual Violence

Sexual violence cases involve two parties: the perpetrator and the victim. However, victims are often subjected to social exclusion.²⁹ Negative assumptions, remarks, and actions are frequently directed at the victim, especially when the case becomes publicly known.³⁰ This situation gives rise to a negative stigma that blames the victim, commonly referred to as victim blaming, accusing them of failing to protect themselves, dress appropriately, or behave properly.³¹ As a result, the victim is made to feel guilty for the incident.³²

The occurrence of victim blaming does not happen without cause. It arises due to several underlying factors that explain why individuals engage in such behavior toward victims.³³ The contributing factors that trigger victim blaming include environmental influences, cultural factors (such as the erosion of traditional values, the unfiltered adoption of foreign cultures, and the development of local cultural norms), family upbringing, attitudes and perceptions related to gender identity, the lack of sexual education and gender equality awareness, as well as the influence of online media.³⁴

²⁷ Rebecca Campbell and Sheela Raja, "Secondary Victimization of Rape Victims: Insights From Mental Health Professionals Who Treat Survivors of Violence," *Violence and Victims* 14, no. 3 (January 1999): 261–75, <https://doi.org/10.1891/0886-6708.14.3.261>.

²⁸ Leif A. Strömwall, Helen Alfredsson, and Sara Landström, "Rape Victim and Perpetrator Blame and the Just World Hypothesis: The Influence of Victim Gender and Age," *Journal of Sexual Aggression* 19, no. 2 (July 2013): 207–17, <https://doi.org/10.1080/13552600.2012.683455>.

²⁹ Gao et al., "Moral Disengagement and Adolescents' Cyberbullying Perpetration."

³⁰ E.V. Ulybina, "Contribution of Belief in a Just World, Male Attitude Norms and Expectant Attitude to Victim in Attribution of Blame to the Female Victim," *Psychology, Journal of the Higher School of Economics* 17, no. 3 (2020): 558–76, <https://doi.org/10.17323/1813-8918-2020-3-558-576>.

³¹ George, Denne, and Stolzenberg, "Blaming Children."

³² P. Boyer, E. Chantland, and L. Safrá, "When to Blame Victims for Negligence: Noncooperators Are Deemed Responsible for Their Own Hardship," *Evolutionary Psychology* 22, no. 4 (2024), <https://doi.org/10.1177/14747049241297902>.

³³ S. Petter and L. Giddens, "Is It Your Fault? Framing Social Media Inclusion and Exclusion Using Just World Theory," *Journal of the Association for Information Systems* 24, no. 5 (2023): 1248–70, <https://doi.org/10.17705/1jais.00813>.

³⁴ Pina et al., "Image Based Sexual Abuse Proclivity and Victim Blaming."

Alfi and Halwati argue that an individual's tendency to engage in victim blaming is influenced by three main factors: individual, situational, and institutional. First, individual factors encompass various personal aspects, such as attitudes toward gender roles, self-identity, racial or ethnic background, personal beliefs, initial perceptions of the victim, political orientation, and belief in a just world, which is the assumption that everyone gets what they deserve. Second, situational factors relate to specific conditions or contexts that influence individual judgments, such as the influence of substances like alcohol or narcotics that impair rational thinking, personal experiences similar to those of the victim, resilience to social pressure, and socioeconomic conditions that shape how a person responds to events.

Third, institutional or structural factors encompass broader social dynamics, such as gender-based power relations, media bias in reporting news, legal and empirical rhetoric that often favors perpetrators, and the construction of local cultural norms that indirectly justify or perpetuate victim-blaming practices. These three factors are interrelated and contribute to forming victim-blaming mindsets in individual and broader social contexts.³⁵

Law Enforcement Against Children as Perpetrators of Victim Blaming in Sexual Violence

Law enforcement is a process of implementing efforts to uphold legal norms concretely as a guide for behavior within legal relationships in social and state life. The main objective of law enforcement is to achieve justice so that the law becomes a living reality.³⁶ Without law enforcement, the law remains merely a textual formulation that lacks strength and effectiveness.³⁷ Based on its subjects, law enforcement can be carried out by a wide range of actors, and it can be stated that the effort to enforce the law involves all relevant parties.

³⁵ Imam Alfi and Umi Halwati, "Faktor-Faktor Blaming the Victim (Menyalahkan Korban) Di Wilayah Praktik Kerja Sosial," *Islamic Management and Empowerment Journal* 1, no. 2 (December 2019): 217–28, <https://doi.org/10.18326/imej.v1i2.217-228>.

³⁶ S. Meyer, "Still Blaming the Victim of Intimate Partner Violence? Women's Narratives of Victim Desistance and Redemption When Seeking Support," *Theoretical Criminology* 20, no. 1 (2016): 75–90, <https://doi.org/10.1177/1362480615585399>.

³⁷ Marko Milanovic, "Revisiting Coercion as an Element of Prohibited Intervention in International Law," *American Journal of International Law* 117, no. 4 (October 2023): 601–50, <https://doi.org/10.1017/ajil.2023.40>.

The issue of law enforcement against children in conflict with the law (CCL) has been regulated under Law Number 11 of 2012 concerning the juvenile criminal justice system. This law serves as a guideline in adjudicating cases involving children in conflict with the law. Article 32, paragraph (2), provides specific conditions under which the detention of a child is permitted. According to this provision, a child may only be detained if two criteria are met simultaneously. First, the child must be at least 14 years old. Second, the child must be reasonably suspected of committing a criminal offense with a potential imprisonment sentence of seven years or more. This regulation aims to ensure that the deprivation of liberty for children is applied with strict safeguards, recognizing the principle of the child's best interests and the need for proportionality in juvenile justice.

Furthermore, Article 69, paragraph (2) states that "a child under the age of 14 (fourteen) years may only be subjected to corrective measures." Therefore, it can be interpreted that the law permits criminal punishment for children who commit serious criminal offenses, with a prison sentence of more than 7 years, provided that the child is at least 14 years old. Sexual violence is regulated under Law Number 35 of 2014, an amendment to Law Number 23 of 2002 concerning Child Protection, specifically in Article 81, which states the following:

- a. Any person who intentionally commits violence or threats of violence to force a child to engage in sexual intercourse with them or with another person shall be punished with imprisonment for a maximum of 15 (fifteen) years and a minimum of 3 (three) years, and a fine of up to IDR 300,000,000 (three hundred million rupiah) and not less than IDR 60,000,000 (sixty million rupiah).
- b. The criminal provisions referred to in paragraph (1) also apply to any person who intentionally uses deception, a series of lies, or persuasion to induce a child to engage in sexual intercourse with them or with another person.

The provisions in Article 82 of Law Number 35 of 2014, which amends Law Number 23 of 2002 concerning Child Protection, state that: "any person who violates the provisions referred to in Article 76E shall be punished with imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years, and a fine of up to IDR 5,000,000,000 (five billion rupiah)." Meanwhile, Article 76E of Law Number 35 of 2014,

as an amendment to Law Number 23 of 2002 concerning Child Protection, stipulates the following:

“Every person is prohibited from committing violence or threats of violence, coercion, deception, a series of lies, or persuasion to cause a child to commit or allow the commission of obscene acts.”

This provision serves as the punishment for perpetrators who commit sexual violence against children. However, if the perpetrator is a child, the sentence imposed is limited to half that applicable to adults. This is by implementing Article 81, paragraph (2) of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, which states that the maximum imprisonment sentence imposed on a child is no more than one-half of the maximum sentence applicable to adults.³⁸

An example can be found in Court Decision Number 51/Pid.Sus-Anak/2021/PN.Tjk, in which the perpetrator was a child who committed an act against another child, resulting in the victim suffering blunt force trauma to the genital area. The perpetrator engaged in victim-blaming by claiming that the victim willingly accepted the act, showed no resistance, and had expressed affection toward the perpetrator.³⁹ Juridically, the child perpetrator was sentenced to receive rehabilitation at the Special Child Development Institution (LPKA) for six years.⁴⁰

The form of law enforcement provided by the Indonesian Criminal Code (KUHP) for children as perpetrators of criminal acts is criminal liability, which emphasizes personal or individual responsibility rather than direct accountability for the losses or harm suffered by the victim. Child control laws can serve as firm regulations for both children who are victims of criminal acts and those who are perpetrators. These laws function as a safeguard to protect all aspects of a child's life.

³⁸ Ana Rahmatyar and Joko Setiyono, “Pertanggungjawaban Pidana Anak Sebagai Pelaku Kejahatan Kesusilaan Terhadap Anak,” *Supremasi Hukum : Jurnal Penelitian Hukum* 29, no. 2 (September 2020): 91–101, <https://doi.org/10.33369/jsh.29.2.91-101>.

³⁹ Fiona Leverick, “What Do We Know about Rape Myths and Juror Decision Making?,” *The International Journal of Evidence & Proof* 24, no. 3 (July 2020): 255–79, <https://doi.org/10.1177/1365712720923157>.

⁴⁰ Muhamad Hidayatullah, “Application of Criminal Sanctions Against Children Who Commit Drug and Psychotherapy Crimes,” *Ratio Legis Journal* 3, no. 3 (2024), <http://dx.doi.org/10.30659/rjlj.3.3.%25p>.

The Indonesian Criminal Code (KUHP) and the Criminal Procedure Code (KUHAP) are closely related to Law Number 11 of 2012 concerning the Juvenile Justice System, forming a relationship between general law and specific law. The Juvenile Justice Law serves as *lex specialis*, while the KUHP and KUHAP function as *lex generalis*. In cases where a child commits a criminal offense, the legal reference used in the handling process is the Juvenile Justice System Law.⁴¹

In Court Decision Number 51/Pid.Sus-Anak/2021/PN.TJK, the child perpetrator, engaged in blaming and discrediting the victim of sexual violence in an attempt to reduce the severity of the charges. The perpetrator claimed that the victim had consented and that the act was not forced, but based on mutual affection.⁴² Furthermore, the act was not a one-time incident but had occurred more than ten times. As a result of these actions, the child perpetrator was sentenced to 2 (two) years and 6 (six) months of imprisonment and 30 (thirty) days of work training.

The phenomenon of children perpetrating sexual violence who also engage in victim-blaming is not new or marginal in Indonesia. The Commissioner for Children in Conflict with the Law (CCL) at the Indonesian Child Protection Commission (KPAI), Putu Elvina, confirms that CCL cases have consistently drawn the highest institutional concern due to their increasing annual trajectory.⁴³ Government and stakeholder efforts have been implemented to reduce instances of sexual violence, especially cases where child perpetrators also blame the victim. Among these interventions, the legal diversion mechanism has gained prominence as an alternative to incarceration, grounded in a restorative justice framework, to address juvenile offenders compassionately and effectively.⁴⁴

Diversion, enshrined in Law No. 11/2012 concerning the Juvenile Criminal Justice System and supported by Supreme Court Regulation No. 4/2014, offers a legal

⁴¹ Hadi Tuasikal and Johana Asmuruf, "Handling Children Who Commit Crimes Under the Criminal Justice System," *Journal of Law Justice (JLJ)* 2, no. 2 (August 2024): 150–61, <https://doi.org/10.33506/jlj.v2i2.3414>.

⁴² Lisa Featherstone et al., *The Limits of Consent: Sexual Assault and Affirmative Consent*, Palgrave Socio-Legal Studies (Cham: Springer Nature Switzerland, 2024), <https://doi.org/10.1007/978-3-031-46622-9>.

⁴³ Martha Eri Safira, Dewi Iriani, and Neneng Uswatun Hasanah, "The Criminal Cases of Childrens With Legal Conflicts: Litigation and Non-Litigation Resolutions," *Justicia Islamica* 17, no. 2 (October 2020): 261–80, <https://doi.org/10.21154/justicia.v17i1.1711>.

⁴⁴ Daud Rismana, Ali Maskur, and Rifi Maria Laila Fitri Permonoputri, "The Legal Effectiveness of Juvenile Diversion: A Study of the Indonesian Juvenile Justice System," *Khazanah Hukum* 7, no. 2 (2024): 89–110, <https://doi.org/10.15575/kh.v7i2.44162>.

pathway to resolve child offender cases outside formal court procedures.⁴⁵ While the statutory framework promotes diversion, its utilization remains limited, as only a small percentage of juvenile cases are successfully diverted, highlighting a gap between policy and practice.⁴⁶ Nonetheless, diversion represents a deliberate strategy by the state to address juvenile sexual violence without subjecting children to the full weight of the criminal justice process, consistent with restorative principles that center on healing, accountability, and reconciliation.⁴⁷

The diversion approach is subject to the conditions outlined in Article 7, paragraph 2 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, which include that the criminal offense committed is punishable by imprisonment of less than 7 (seven) years and does not constitute a repeat offense. According to Law Number 35 of 2014 on Child Protection, detention may only be used as a last resort for children and must be carried out for the shortest possible duration. Based on these provisions under Indonesian positive law, it is evident that there is a mutually supportive relationship in providing legal protection for children in conflict with the law.⁴⁸ The imposition of criminal sanctions serves as a last resort in addressing victim blaming in cases of sexual violence, which law enforcement authorities can currently implement.⁴⁹

Law enforcement against children as perpetrators of victim blaming in sexual violence cases should be continuously monitored, evaluated, and updated to remain in line with the times. Regarding legal factors, revisions to the legal substance may be necessary.⁵⁰ The same applies to law enforcement personnel, infrastructure, and facilities.

⁴⁵ Abdurrakhman Alhakim, "DIVERSION AS A LEGAL CONCEPT THAT IS EQUITABLE FOR CHILDREN IN INDONESIA," *Mizan: Jurnal Ilmu Hukum* 11, no. 2 (December 2022): 147, <https://doi.org/10.32503/mizan.v11i2.3102>.

⁴⁶ Raihanida Putri Listiaratsany and Laras Astuti, "The Implementation of Diversion for Child Perpetrator in Magelang," *Indonesian Journal of Criminal Law and Criminology (IJCLC)* 5, no. 2 (July 2024), <https://doi.org/10.18196/ijclc.v5i2.17637>.

⁴⁷ "The Practice of Diversion for Perpetrators of Child Crimes in Indonesia," in *Restorative Justice and Practices in the 21st Century*, by Hari Harjanto Setiawan, Adhani Wardianti, and Nyi R. Irmayani (IGI Global, 2023), 205–24, <https://doi.org/10.4018/978-1-6684-6145-7.ch009>.

⁴⁸ P.H. Bhuptani et al., "Rape Disclosure and Depression Among Community Women: The Mediating Roles of Shame and Experiential Avoidance," *Violence Against Women* 25, no. 10 (2019): 1226–42, <https://doi.org/10.1177/1077801218811683>.

⁴⁹ P. Boyer and E. Chantland, "Victims of Misfortune Are Blamed for Imposing Costs on Others: Testing a Cooperation-Dilemma Factor in Victim-Blame," *Human Nature*, ahead of print, 2025, <https://doi.org/10.1007/s12110-025-09493-x>.

⁵⁰ M.-C. Nolin et al., "Social Reactions to Disclosure of Sexual Violence in Adulthood and Women's Sexuality: The Mediating Role of Shame and Guilt," *Journal of Sex and Marital Therapy* 49, no. 3 (2023): 270–86, <https://doi.org/10.1080/0092623X.2022.2099495>.

If these are deemed insufficient or ineffective, improvements must be made. Furthermore, the role of society and culture cannot be separated from this issue, as they significantly affect the effectiveness of law enforcement related to children as perpetrators of victim blaming in sexual violence cases.

Conclusion

This research reveals several critical findings regarding the legal treatment of children who engage in victim blaming in sexual violence cases. First, it demonstrates that while legal instruments—particularly Law No. 11 of 2012 on the Juvenile Criminal Justice System—provide sentencing limitations and emphasize rehabilitation over punishment, their application in cases involving symbolic violence remains underdeveloped. Children who blame victims often receive similar treatment to other juvenile offenders, with little attention paid to the unique nature of their actions and the cultural narratives they replicate. This indicates a significant gap between the principle of restorative justice and its implementation.

Second, the study finds that the perpetuation of victim blaming is closely linked to environmental, familial, and socio-cultural influences that shape children's attitudes from an early age. These factors, when left unaddressed, normalize harmful narratives and undermine the dignity of victims. The study argues that a punitive legal approach is insufficient; rather, a hybrid model that combines legal accountability with educational and community-based interventions is necessary to foster moral awareness and long-term behavioral change among youth offenders.

Finally, this study contributes to the broader discourse on juvenile justice by foregrounding a neglected category of perpetrators—children who inflict psychological and social harm through discourse rather than physical acts. It urges lawmakers, educators, and practitioners to view victim blaming not as peripheral but as a core issue requiring systemic attention. By doing so, the juvenile justice system can be reoriented to protect and proactively shape a more empathetic and just generation.

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