Volume 22, Number 1, (2025): Pages: 190-209
Istinbath : Jurnal Hukum
ISSN : Print 1829-8117 – Online 2527-3973

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

Pinta Prasetyaning Darma Fitri[1], Rini Fathonah[2], Gidayani[3], Fristia Berdian Tamza[4]
[124] Fakultas Hukum, Universitas Lampung, Indonesia
[3]Institut Agama Islam Tulang Bawang, Indonesia
E-mail : pintaprasetyaning1277@gmail.com

Abstract

This study critically examines the phenomenon of children as perpetrators of victim blaming in cases of sexual violence. This dimension has received only a small portion of attention in legal and child protection policy studies. Using an empirical legal approach that combines normative analysis, case studies, and conceptual analysis, this study evaluates the effectiveness of the law enforcement system against children involved in blaming victims of sexual violence. The findings show that although there is a fairly progressive legal framework through Law Number 11 of 2012 concerning 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 victim blaming as non-physical violence. 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 reinforcing legal interventions based on moral education, social recovery, and cross-sectoral involvement to prevent the replication of symbolic violence by children 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.*

Istinbath: Jurnal Hukum
Website : http://e-journal.metrouniv.ac.id/index.php/istinbath/index

Received : 2025-02-14| Published : 2025-06-30.

Introduction

Sexual violence is one of the most deeply rooted and recurring forms of gender-based violence, especially against women. This issue arises from social constructs that position women as sexual objects and inferiors in power relations between men and women.[1] This condition confirms that violence against women is not merely an individual act, but a manifestation of historical structural power relations.[2] In many cases, the legal system fails to provide proportional justice for victims.[3] Investigations and case handling often proceed slowly, are biased, and involve victim blaming, leading society or authorities to blame the victim rather than the perpetrator.[4]

[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/ijcyfs101201918804.

[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.

Victim blaming usually begins with the belief that the way the victims dress, their social behavior, or their personal relationship with the perpetrators arouses the intention of the perpetrators to rape them. Victims who dare to voice such injustice often face social stigmatization and psychological pressure, while those who choose to remain silent contribute to the perpetrator's impunity and perpetuate the cycle of unresolved violence.[5] This situation triggers an obstacle to comprehensively uncovering and prosecuting sexual violence.[6]

In Indonesia, the latest data from the Indonesian Child Protection Commission (KPAI) indicates 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, thirty-three cases involved 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, where children become the 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]

Previous studies have focused more on the roles of law enforcement officials, social constructs, and structural biases in the judicial system, which 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

[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.

[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

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, overlooking how the social construction of victim blaming is replicated by children in their actions, whether verbally, online, or in other social interactions.[14] Furthermore, no studies 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 essential and urgent to encourage the formulation of policies that simultaneously protect victims and provide appropriate guidance to child perpetrators involved in the reproduction of symbolic violence against victims.[15]

This study analyzes law enforcement against children as perpetrators who blame victims in cases of sexual violence. Through more decisive and integrated measures, law enforcement efforts should improve in dealing with children who blame victims in the

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 Teemaalgatustes 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.

[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.

context of sexual violence. This approach also aims to 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, blaming victims is not merely a behavioral error but a result of social construction and an environment that is permissive toward symbolic violence. Therefore, it is essential 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.

Methods

This study falls under the category of empirical legal research, which seeks to understand law as written norms and as a living, evolving social phenomenon. To examine the issue of children as perpetrators of victim blaming in cases of sexual violence, this research employed legal, case, and conceptual approaches. The legal approach examined 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 examined many real cases involving children as perpetrators who blamed victims, to understand the factual dynamics and the legal responses applied. The conceptual approach, in this case, analyzed legal theories, the concept of victim blaming, and the psychosocial perspectives underlying children's actions of blaming victims.

Secondary data used in this research were obtained through in-depth literature studies, including various legal materials, such as laws, delegated 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 was qualitative, focusing on an in-depth understanding of the meanings, processes, and socio-legal relationships that underlie children's victim-blaming behavior. This analysis does not aim to measure the frequency

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

or quantity of the phenomenon statistically, but rather to interpret the social and normative dynamics that shape children's legal behavior. The analysis process involves several steps, including thematic categorization, interpretation of the legal and social context, and critical reflection on the implementation of norms in law enforcement practices.

Results and Discussion

Victim Blaming in Sexual Violence

Sexual violence against women is an inhumane act, constituting a violation of human rights, particularly of female victims.[17] Sexual violence is 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 trigger sexual relations. Sexual violence is a criminal act prohibited by law and results in specific criminal sanctions imposed on the violators.[19]

Victim blaming is the practice or attitude of blaming the victim rather than the perpetrator for an incident or crime.[20] This behavior tends to focus on the victim's actions or circumstances instead of holding the offender accountable. Victim blaming frequently occurs in sexual violence, domestic violence, and accidents, among others.[21]

Currently, there are quite many children becoming criminal offenders. This is evident in the Child Protection Case Data from Complaints to the KPAI in 2023, which shows that children involved in legal proceedings or as perpetrators account for the fourth-highest number of cases. This indicates that such cases remain high, and the number of children involved in legal proceedings or as offenders has increased.

[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.

[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.

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 that took place. 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 related to, among others, rape, child neglect, the elderly, and women in vulnerable socioeconomic conditions.[22] Several factors contribute to victim-blaming behavior, including a strong belief that the victim has caused arousal that triggers the sexual violence to occur.[23]

Several common forms of victim blaming are 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

[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.

[24] Whatley.

(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 victims by creating feelings of shame, stress, and low self-esteem.[27] This phenomenon can also be explained by the belief in a just world, in which people tend to blame victims to maintain the 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

Victims of social violence are often subjected to social exclusion.[29] Negative assumptions, remarks, and actions are often directed at the victim, especially when the case becomes public.[30] This situation raises a negative stigma that blames the victim, commonly referred to as victim blaming, accusing them of failing to protect themselves,

[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.

[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.

dress appropriately, or behave properly.[31] As a result, since the victim is cornered, they often feel guilty for the incident.[32]

Several underlying factors explain why individuals tend to blame victims.[33] These factors include surrounding 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]

Alfi and Halwati argue that the tendency to engage in victim blaming is influenced by individual, situational, and institutional factors. 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 —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 the formation of victim-blaming mindsets, both in individual and broader social contexts.[35]

---

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

[32] P. Boyer, E. Chantland, and L. Safra, "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."

[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.

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

Law enforcement is the process of implementing measures to uphold legal norms concretely, serving 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 through law enforcement, the law becomes a living reality.[36] Without law enforcement, the law remains merely a textual formulation, lacking strength and effectiveness.[37] Based on its subjects, a wide range of relevant actors can carry out law enforcement.

The issue of law enforcement against Children in Conflict with the Law (CCL) is 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), sets out the specific conditions under which a child's detention 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 having committed a criminal offense that could result in a sentence of seven years of imprisonment or more. This regulation aims to ensure that the deprivation of liberty for children is applied with strict safeguards, recognizing the principle of the best interests of the child and the need for proportionality in juvenile justice.

Furthermore, Article 69, paragraph (2) states that a child under 14 (fourteen) years old may only be subjected to corrective measures. It can be inferred that the law permits criminal punishment for children who commit serious offenses, including a prison sentence of more than seven 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, in Article 81, stating:

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

[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.

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, "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, 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 of that applicable to adults. This is according to the implementation of Article 81, paragraph (2) of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, which states that the maximum prison sentencing that may be imposed on a child is no more than one-half of the maximum sentencing 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]

[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.

Juridically, the child perpetrator was sentenced to receive rehabilitation at the Special Child Development Institution (LPKA) for six years.[40]

The law enforcement framework provided by the Indonesian Penal 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 serve to protect all aspects of a child's life.

The 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 two years and six months of imprisonment and 30 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 level of

[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/rlj.3.3.%25p.

[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.

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 mechanism of diversion 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 Number 11/2012 concerning the Juvenile Criminal Justice System and supported by Supreme Court Regulation Number 4/2014, provides a legal pathway to resolve child offender cases outside formal court procedures.[45] While the statutory framework promotes diversion, its actual use remains limited, with only a small percentage of juvenile cases 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, including that the criminal offense committed is punishable by imprisonment of less than seven years and does not constitute a repeat offense. According to Law Number 35 of 2014 concerning Child Protection, detention may only be used as a last resort for children and must be imposed for the shortest possible duration. Based on these provisions under Indonesian positive law, it is evident that there is a mutually supportive relationship in

[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.

[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.

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. In terms of legal factors, revisions to the legal substance may be necessary.[50] The same applies to law enforcement personnel, infrastructure, and facilities. 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 Number 11 of 2012 concerning 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 merely punitive legal approach is insufficient; rather, a hybrid model that combines legal accountability with

[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.

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 not only to protect but also to proactively shape a more empathetic and just generation.

Bibilography

Alfi, Imam, 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.

Alhakim, Abdurrakhman. "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.

Amri, Sri Rahayu, Israini Suriati, Andi Sitti Umrah, and Septya Suarja. "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.

Bhuptani, P.H., J.S. Kaufman, T.L. Messman-Moore, K.L. Gratz, and D. DiLillo. "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.

Boyer, P., 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.

Boyer, P., E. Chantland, and L. Safra. "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.

Campbell, Rebecca, 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.

Charly, D., 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.

Fast, Elizabeth, 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/ijcyfs101201918804.

Featherstone, Lisa, Cassandra Byrnes, Jenny Maturi, Kiara Minto, Renée Mickelburgh, and Paige Donaghy. *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.

Gao, Ling, Jiedi Liu, Wei Wang, Jiping Yang, Pengcheng Wang, and Xingchao Wang. "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.

George, Suzanne St., 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.

Gravelin, Claire R., 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.

Habba, Eliya, Renana Keydar, Dan Bareket, and Gabriel Stanovsky. "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.

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.

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

Hidayatullah, Muhamad. "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/rlj.3.3.%25p.

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.

Johnson, Kim K. P., 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.

Kenny, Maureen C., 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.

Leverick, Fiona. "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.

Listiaratsany, Raihanida Putri, 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.

Meyer, S. "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.

Milanovic, Marko. “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.

Nichols, Lisa, 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.

Nolin, M.-C., B. Bőthe, S. Bergeron, N. Godbout, M.-È. Daspe, and M.-P. Vaillancourt-Morel. “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.

Öztemür, G., 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.

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

Persson, Sofia, 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.

Petter, S., 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.

Pina, Afroditi, Alisha Bell, Kimberley Griffin, and Eduardo Vasquez. “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.

Piras, E. "«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.

Prince, Eleanor R., Samantha J. Andrews, Michael E. Lamb, and Juliet L. H. Foster. "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.

Rahmatyar, Ana, 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.

Ramadhan, M. Dika, 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.

Rismana, Daud, 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.

Rogers, Paul, 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.

Safira, Martha Eri, 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.

Shopiani, Bunga Suci, 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.

Strömwall, Leif A., 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.

"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, 205–24. IGI Global, 2023. https://doi.org/10.4018/978-1-6684-6145-7.ch009.

Ulybina, E.V. "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.

University of Tartu, Estonia, Simone Eelmaa, Maria Murumaa-Mengel, and University of Tartu, Estonia. "'Kui Ongi Tõsi, Siis Ise Süüdi!' Seksuaalvägivallaga Seonduvad Stereotüübid Ühe Eesti Laste Ja Noorte Veebifoorumi Teemaalgatustes Ja Vastustes." *Mäetagused* 76 (April 2020): 29–62. https://doi.org/10.7592/mt2020.76.eelmaa_murumaa.

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

Whatley, Mark A. "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.