

A Critical Review of the Sexual Violence Crimes Law (UU TPKS) in Response to Child Sexual Violence Cases Based on 2024 Data

Muhammad Umar Kalibia¹,

¹Universitas Islam Syekh-Yusuf, Tangerang – Banten

La Ilman Abu Naafi²

²Universitas Islam Syekh-Yusuf, Tangerang – Banten

Ide Raunas³

³Universitas Islam Syekh-Yusuf, Tangerang – Banten

Harmoko⁴

⁴Universitas Islam Syekh-Yusuf, Tangerang – Banten

Hardjito S.Darmojo^{5*}

⁵Universitas Islam Syekh-Yusuf, Tangerang – Banten

Correspondence email: hsdarmojo@unis.ac.id

Abstract

This literature review aims to conduct a critical review of the effectiveness of the implementation of UU No 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS) in responding to the high number of cases of sexual violence against children, as reflected in the 2024 data. Normatively, the UU TPKS is a progressive legal milestone that complements the UUPA, especially through expanding the definition of criminal acts such as Electronic-Based Sexual Violence (KSBE) and strengthening victims' rights to restitution and rehabilitation. However, the analysis results show significant implementation gaps. Data of 2024, which recorded more than 11,000 cases of child sexual violence and a sharp spike in KBGO cases (40.8%), proves that the UU TPKS has not had an optimal deterrent and preventive effect. This gap is triggered by three main obstacles: the absence of derivative regulations that hinder access to restitution, the cultural bias of law enforcement officers that leads to victim blaming, and operational challenges in proving KSBE cases. In conclusion, the effectiveness of the UU TPKS depends on addressing structural barriers and shifting cultural paradigms so that the principle of the best interests of the child can be fulfilled in a restorative manner.



Keywords: UU TPKS; Child Sexual Violence; Data of 2024; Legal Implementation; Inequality; Restitution.

BACKGROUND

Indonesia recognizes children as national assets and the next generation who must be protected from all forms of threats, particularly violence. This commitment is realized through the ratification of the Convention on the Rights of the Child (CRC) and UU No. 35 of 2014 concerning Amendments to UU No. 23 of 2002 concerning Child Protection (UUPA). However, to this day, cases of violence, especially sexual violence against children, continue to be a crucial issue that threatens the social and legal foundations of the country.

This condition has reached a critical point (emergency) which is supported by persistent statistical data on child violence. The latest data from the Online Information System for the Protection of Women and Children (SIGA) of the Ministry of Women's Empowerment and Child Protection (Kemen PPPA) shows that of the total cases of violence against children recorded throughout 2024, sexual violence cases were the dominant type of case, with a total of 11,771 child victims nationally (Kemen PPPA, 2024). This figure far exceeds other types of violence, such as physical violence (4,890 victims) or psychological violence (4,838 victims). Legislative data also confirms that as of November 2024, the number of child abuse cases had reached 14,308, with 15,886 victims, with sexual violence accounting for the highest number (DPR RI, 2024).

This situation creates a legal irony: on the one hand, the state has a strong legal framework; on the other, children remain massive victims. This phenomenon is exacerbated by the fact that sexual violence against children often occurs in supposedly safe environments, such as families and educational institutions, and is further complicated by the emergence of Electronic-Based Sexual Violence (KSBE) (Nisa & Andriasari, n.d; Sari, Wijaya, & Putri, 2024).

In response to the increasing number of cases and civil society pressure, Indonesia passed UU No 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS). UU TPKS marks a new milestone in Indonesian criminal law, specifically focusing on victims and expanding the scope of sexual crimes previously excluded by the Criminal Code (KUHP) and the Basic Agrarian Law (UUPA) (Nurisman, 2022). UU TPKS brings significant innovations, especially with the expansion of the definition of criminal acts that include nine types of UU TPKS, including Electronic-Based Sexual Violence (KSBE), which is very relevant to responding to digital cases that dominate the 2024 data (Jurnal Legalitas, 2024), comprehensive victim rights where this law regulates in detail the rights of victims, including the right to restitution, physical and psychological rehabilitation, and



assistance from the initial process to recovery, which is very minimally regulated by the old KUHP (Robzi, Susanti, & Monica, 2024; Jurnal DPR RI, 2023). This provision should provide maximum protection for child victims. Designing a specific mechanism with provisions regarding victim- and gender-sensitive judicial processes is essential, given that child victims often experience re-victimization in conventional legal proceedings (Jurnal Legalitas, 2024). Furthermore, the journal justification states that UU TPKS is substantively considered to regulate victims' rights more comprehensively than previous laws (INFID, 2022). However, a review of UU TPKS remains necessary, as the severe sanctions stipulated (including chemical castration and the installation of electronic detection devices) must be analyzed for their implementation to ensure their deterrent effect aligns with child protection principles (Journal Kolaboratif Sains, 2024).

Although UU TPKS provides a strong protection framework, data on child violence cases in 2024, particularly sexual violence, highlights a wide gap between legal norms (*das Sollen*) and the reality of implementation (*das Sein*). The challenge of Electronic-Based Sexual Violence (KSBE) is that data shows a significant spike in cases of Online Gender-Based Violence (KBGO) in 2024, which Article 14 of UU TPKS on TPKSBE should address. However, the implementation of UU TPKS in digital cases faces complex obstacles, such as issues with digital forensic evidence and potential conflicts with the ITE Law, creating legal uncertainty (Jurnal Legalitas, 2024).

Another reality is the obstacle to restitution and recovery. The right to restitution and the Victim Assistance Fund, mandated by UU TPKS, have not been optimally implemented due to the lack of implementing regulations that detail the application procedures and disbursement mechanisms (Jurnal Legalitas, 2024). As a result, recovery for child victims is often hampered or burdened.

Law enforcement and sociocultural factors. The implementation of UU TPKS is still hampered by the low capacity and understanding of law enforcement officers (APH), who do not fully consider the perspective of child victims. A culture of victim blaming also persists, discouraging victims from reporting and worsening their situation (Lex Privatum, 2025; Jurnal Legalitas, 2024).

Significant service disparities are also a reality in the current implementation of the law. Disparities in access to protection and assistance services in remote areas have also been a major issue highlighted by several studies, even though the UU TPKS mandates comprehensive services (Jurnal Administrasi Negara, 2025). Collectively, the high number of child sexual violence cases in 2024, which even reached more than 11,000 cases (Ministry of Women's Empowerment and Child Protection, 2024), is empirical evidence that even a progressive legal framework does not



automatically guarantee protection if it is not accompanied by effective implementation, adequate resources, and a change in cultural paradigm.

A critical review of UU TPKS is urgent because; cases of child sexual violence (2024 data) are an urgent problem that requires a measured legal response, the effectiveness of UU TPKS must be empirically tested after two years of its enactment, especially in handling dominant cases in 2024, such as KSBE, and it is deemed necessary to identify concrete implementation challenges (derivative regulations, APH capacity, and social barriers) that cause high rates of child violence.

Therefore, this study aims to conduct a critical review of UU TPKS by analyzing the extent to which the protection norms in the law are able to respond to and suppress the number of cases of child sexual violence in Indonesia, which is reflected strikingly in the date of 2024.

METHOD

This literature review employs a normative legal research method with a descriptive-analytical approach. The primary objective of this method is to analyze and evaluate the legal framework in depth, specifically UU NO 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS), in relation to the reality of child sexual violence data in 2024.

This research uses a statutory approach to examine the substance of UU TPKS and the Child Protection Law (UUPA). Furthermore, a conceptual approach is applied to examine legal doctrine related to victims' rights and the Best Interest of the Child. Data were collected through library research, which included primary legal materials (UU TPKS and UUPA) and secondary legal materials in the form of journals, research results, and official reports from institutions such as the Ministry of Women's Empowerment and Child Protection (Kemen PPPA) and the National Commission on Violence Against Women (Komnas Perempuan) containing Child Violence Data for 2024.

All materials were analyzed qualitatively using systematic interpretation and critical argumentation techniques. This technique aimed to measure gaps in the implementation of the TPKS Law, namely, how effectively existing protection norms were able to respond to and suppress the high number of cases of child sexual violence recorded throughout 2024.

RESULTS AND DISCUSSION

Overlapping Norms and the 2024 Data Surge

The results of the normative analysis indicate that UU TPKS (UU No. 12 of 2022) is substantively a progressive legal product that complements and addresses the weaknesses of the



UUPA (UU No. 35 of 2014) and the old Criminal Code, particularly in the context of protecting child victims of sexual violence. However, empirical data from 2024 shows a contradiction: despite an ideal legal framework, cases of sexual violence against children remain high.

The normative strength of the TPKS Law in child protection is still considered quite vulnerable. The strength of the TPKS Law lies in expanding the definition of criminal acts and strengthening victims' rights:

- Expansion of Criminal Domain: UU TPKS covers nine types of TPKS, including the most relevant to 2024 trends, namely Electronic-Based Sexual Violence (KSBE) (Article 14) (Jurnal Legalitas, 2024). KSBE is important because of the surge in Online Gender-Based Violence (KBGO) cases reaching 1,791 cases in 2024, an increase of 40.8% (Komnas Perempuan, 2025). UU TPKS is expected to be the main instrument to ensnare anonymous and transnational cybercrime (Jurnal Kolaboratif Sains, 2024).
- Right to Restitution and Rehabilitation: UU TPKS strengthens the rights of child victims to receive restitution (compensation) and prompt rehabilitation (physical, psychological, and social). This goes beyond the repressive focus of the Basic Agrarian Law and prioritizes the principle of victim recovery (Robzi, Susanti, & Monica, 2024).

Despite a decline in the prevalence of sexual violence against women in general (Ministry of Women's Empowerment and Child Protection, SPHPN 2024), the total number of reported cases of violence against women and children throughout 2024 remained high, at 35,533 (Ministry of Women's Empowerment and Child Protection, 2025). More specific data shows that:

- Violence against children is still dominated by sexual violence.
- The sharp increase in digital cases (KBGO) shows that the online realm has become a new area of vulnerability for children, testing the legal response capacity of UU TPKS to high-tech crimes (KBR.ID, 2025).
- The high number of reported cases indicates that UU TPKS has not yet fully had the expected preventive and deterrent effects (Nitha, Masyhar, & Cholidin, 2024).

Gaps in the Implementation of UU TPKS

The high rate of child sexual violence in 2024 data indicates a significant implementation gap between the normative ideals of UU TPKS and enforcement practices in the field. This gap can be classified into three main obstacles: Structural, Cultural, and Operational. The biggest challenge faced in the two years of implementation UU TPKS, which has a direct impact on case handling in 2024, is the incompleteness of implementing regulations (Government Regulations or Presidential Regulations) (Jurnal Perempuan, 2024).



- Implications for Restitution: Child victims' right to restitution (article 67) is hampered. The lack of a clear procedural mechanism for applying for and disbursing restitution means this provision remains merely normative. As a result, victims' economic and psychological recovery is delayed or unfulfilled (Robzi, Susanti, & Monica, 2024).
- Implications of Integrated Services: UU TPKS mandates integrated and cohesive services, but without strong underlying regulations, coordination between institutions (police, prosecutors, UPTD PPA, health services) is weak. This makes it vulnerable to secondary victimization for child victims, as they must repeat their testimony across multiple agencies.

Cultural barriers are rooted in the perspectives brought by Law Enforcement Officers (APH) and the community, which are contrary to the spirit of victim recovery under UU TPKS.

- Bias APH: Many studies confirm that gender bias and patriarchal views persist among APH, burdening child victims with a difficult evidentiary process (Nitha, Masyhar, & Cholidin, 2024). Officials often adopt a non-child-sensitive approach, which is inconsistent with the mandate of the Juvenile Criminal Justice System (SPPA) Law and UU TPKS.
- Stigma and Victim Blaming: The surge in reported cases in 2024 (Ministry of Women's Empowerment and Child Protection, 2025) is only the "tip of the iceberg." Social stigmas that tend to blame child victims (for example, related to clothing or playtime) remain strong, making victims reluctant to report (Jurnal Legalitas, 2024; Jurnal Online Sarau Institute, 2025). This shows that the preventive objectives of UU TPKS will not be achieved without a shift in societal paradigms.

Although UU TPKS has a specific article on KSBE, handling digital cases, which surged 40.8% (National Commission on Violence Against Women, 2025), faces unique operational challenges.

- Digital Evidence: Cybercrime involves easily manipulated digital traces and is often transnational in nature, requiring sophisticated digital forensic infrastructure and international coordination (Jurnal Legalitas, 2024). Many regional law enforcement units lack the capacity to handle the complexities of this evidentiary process, hampering the enforcement of Article 14 of UU TPKS.
- Law Enforcement Officer Capacity: Lack of ongoing training for law enforcement officers regarding digital case handling and the special event mechanisms of the TPKS Law creates gaps in law enforcement (Kopusindo Journal, n.d.).



The implementation of the Best Interest of the Child principle in the UU TPKS is a fairly realistic concept in this situation. Theoretically, UU TPKS has adopted the Best Interest of the Child principle through Articles 67-78 (Victims' Rights). However, 2024 data highlights that this principle has not been fully implemented. The focus of court decisions still tends to be repressive (punishing the perpetrator) and not optimally focused on restorative aspects (restoring the victim's rights) (Lex Generalis Law Journal, 2025). Without effective psychological recovery and restitution, the best interest of the child will not be met, as the victim's trauma will have long-term and permanent impacts (Staatrechts, 2025).

CONCLUSION

This study concludes that UU TPKS is a strong and progressive legal instrument for protecting child victims of sexual violence. However, the high rate of child sexual violence reflected in the 2024 data highlights a critical disparity between the ideal legal framework and the reality of law enforcement in Indonesia. The main failures lie in three barriers: structural (the absence of derivative regulations and restitution), cultural (law enforcement bias and stigma), and operational (challenges in proving KSBE). Therefore, the effectiveness of UU TPKS in reducing cases of child sexual violence depends heavily on collective efforts to close this implementation gap. It can be concluded that:

- Acceleration of derivative regulations: The government is obliged to immediately complete and implement all Implementing Regulations of UU TPKS, especially those that regulate the detailed procedures for Restitution and Victim Assistance Funds, to ensure the restoration of the rights of child victims quickly and non-discriminatory.
- Sustainable capacity building for Law enforcement officers: Require comprehensive training (including child-sensitive approaches and digital forensics) for law enforcement officers so that case handling is in accordance with the special procedure mechanism of UU TPKS and does not burden the victims.
- Prevention and elimination of stigma campaign: The government and civil society organizations must conduct massive education to change the patriarchal perspective and eliminate the stigma against victims, thus encouraging victims to dare to report cases without fear.



REFERENCES

- Br Sembiring, M. A. P. (2023). Analisis Yuridis Terhadap Tindak Pidana Pelaku Kejahatan Kekerasan Seksual Berdasarkan Undang Undang No. 12 Tahun 2022. *Jurnal Kolaboratif Sains*, 7(12).
- DPR RI. (2024). Kekerasan Anak dalam Keluarga: Catatan Serius Pembangunan Keluarga Indonesia. Info Singkat P3DI DPR RI.
- DPR RI. (2023). Implementasi Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual. *Jurnal Hukum*, 12(1).
- KBR.ID. (2025). Tiga Tahun UU TPKS, Korban Masih Disalahkan?. Diakses dari <https://kbr.id/> (November 2025).
- Kementerian Pemberdayaan Perempuan dan Perlindungan Anak (Kemen PPPA). (2024). Dataset Jumlah Kekerasan Terhadap Anak menurut Jenis Kekerasan yang Dialami. SIGA Kemen PPPA.
- Kementerian Pemberdayaan Perempuan dan Perlindungan Anak (Kemen PPPA). (2024). Survei Pengalaman Hidup Perempuan Nasional (SPHPN) 2024. Jakarta: Kemen PPPA.
- Kementerian Pemberdayaan Perempuan dan Perlindungan Anak (Kemen PPPA). (2025). Kementerian PPPA Catat 35.533 Laporan Kekerasan terhadap Perempuan Sepanjang 2024. Diakses dari <https://www.tempo.co/> (Agustus 2025).
- Komnas Perempuan. (2025). Data Lonjakan KBGO Komnas Perempuan 2024. Diakses dari <https://kbr.id/> (November 2025).
- Lestiwati, I., Maisa, & Kaharuddinsyah. (2024). The Interconnected Approach in Mitigating the Escalation of Child Sexual Exploitation in Indonesia: Strategies and Challenges. *Evolutionary Studies in Imaginative Culture*.
- Lex Privatum. (2025). Perlindungan Hukum Terhadap Perempuan Akibat Pemerkosaan Dalam. *Lex Privatum*, 15(4).
- Nisa, N., & Andriasari, D. (n.d.). Implikasi Tindak Pidana Pelecehan Seksual Terhadap Anak dan Strategi Perlindungan Hukum di Indonesia. *Jurnal Aktivisme*.
- Nitha, F. A. L., Masyhar, A., & Cholidin, A. (2024). Optimalisasi Implementasi UU TPKS: Tantangan dan Solusi Dalam Upaya Penghapusan Kekerasan Seksual di Indonesia. *Masalah-Masalah Hukum*, 53(1).
- Nurisman, E. (2022). Risalah Tantangan Penegakan Hukum Tindak Pidana Kekerasan Seksual Pasca Lahirnya Undang-Undang Nomor 12 Tahun 2022. *Jurnal Pembangunan Hukum Indonesia*, 4(2).
- Robzi, S. A., Susanti, E., & Monica, D. R. (2024). Analisis Kebijakan Hak Restitusi Dalam Undang-



- Undang Nomor 12 Tahun 2022. *Viva Themis: Jurnal Ilmu Hukum dan Humaniora*, 7(2).
- Sari, D., Wijaya, A., & Putri, R. (2024). Analisis Faktor Sosial-Ekonomi dalam Kekerasan Seksual pada Anak di Perkotaan Indonesia. *Jurnal Sosiologi Indonesia*, 15(4).
- Sains. (2024). Pidana Bagi Pelaku Kejahatan Seksual Anak: Analisis Undang-Undang Nomor 12 Tahun 2022. *Jurnal Kolaboratif Sains*, 7(12).
- Supriatna, Y., Dewi, S., & Abas, M. (2024). Kasus Kekerasan Seksual Terhadap Anak Dibawah Umur Ditinjau dalam Perspektif Undang-Undang Perlindungan Anak. *Unes Journal of Swara Justisia*, 8(2).

