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# Analysis of the Witness and Victim Protection Institution (LPSK) on Children as Victims of Sexual Violence from a Positive Legal Perspective and Islamic Law

Firdon Marpaung[a,1*], Risnita[b,2], Yuliatin[c,3]

[*a] UIN Sulthan Thaha Saifuddin, Jambi, Indonesia ;
[b] UIN Sulthan Thaha Saifuddin, Jambi, Indonesia ;
[c] UIN Sulthan Thaha Saifuddin, Jambi, Indonesia ;
[1] firdonmarpaung1@gmail.com ; [2] risnita@uinjambi.ac.id ; [3] yuliatin@uinjambi.ac.id
*Correspondent Author; firdonmarpaung1@gmail.com

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**ABSTRACT**

The protection of children as victims of sexual violence is a state constitutional obligation requiring comprehensive legal protection. The Witness and Victim Protection Institution (LPSK), established under Law Number 31 of 2014, is mandated to restore victims' rights, yet its assistance is not always available from the outset, as shown by a 2024 child rape case in the Jambi Regional Police jurisdiction handled without LPSK assistance, the problem this study addresses. This study analyzes LPSK's role in protecting children as victims of sexual violence, examines the forms of protection provided, and compares its regulation under positive law and Islamic law. This study uses *a normative juridical* method with *a conceptual approach*, *statute approach*, and *case approach*, analyzed qualitatively-descriptively. Results show LPSK carries out *preventive* and *repressive* protection through eight programs; Jambi Regional Police data recorded 144 protection applications from 2022 to 2025, a declining trend not necessarily reflecting fewer actual cases, while effectiveness remains constrained by limited access to reproductive health services and weak restitution execution. Positive law regulates protection in stages through Law Number 12 of 2022 and Law Number 35 of 2014, while Islamic law situates child protection within *maqasid al-sharia*, especially *hifz al-nafs* and *hifz al-nasl*. Both legal systems, despite differing normative approaches, place children as subjects who must be fully protected.

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## Introduction

Sexual violence against children is a serious violation of human rights that leaves lasting physical, psychological, and social consequences, and its handling cannot be separated from the state's constitutional obligation to guarantee a sense of security for every citizen, including the most vulnerable group: children. The urgency of this protection is reinforced by the persistently high number of cases nationally, the frequent involvement of perpetrators from within the victim's own family or social circle, and the tendency of children to remain silent due to fear, shame, or dependency on the perpetrator, all of which make sexual violence against

children particularly difficult to detect and report. Weak protection at the early stages of the legal process risks compounding the trauma already suffered by the child victim, making the presence of an effective witness and victim protection mechanism, such as that mandated to LPSK, an urgent necessity rather than a mere administrative formality. The fulfillment of the right to a sense of security for witnesses and victims is a constitutional obligation that must be carried out by the state through its law enforcement apparatus. This obligation is born from the principle *rule of law* adopted by Indonesia as stipulated in Article 1 of the 1945 Constitution of the Republic of Indonesia, which affirms Indonesia's position as a state of law with sovereignty in the hands of the people. With regard to these provisions, Sunarso (2012) stated that the implementation of government is essentially directed to serve the interests of all citizens, so that the protection of witnesses and victims must be carried out comprehensively, consistently, and systemically so that the certainty of protection for every citizen can be guaranteed (Government Regulation of the Republic of Indonesia, 2002).

The testimony of witnesses and victims has a strategic position in the criminal justice process because it is a valid piece of evidence, because they hear, see, and experience firsthand the events that occurred (Malinda, 2016). Unfortunately, the existence of witnesses and victims is often overshadowed by threats from certain parties not to report the case to law enforcement officials. This condition is the basis for the need for legal protection guarantees as an effort to defend individual rights and obligations through a set of laws and regulations (Sari, 2009).

The collective awareness of the community prompted the government to issue Law Number 13 of 2006 concerning the Protection of Witnesses and Victims, which was later updated through Law Number 31 of 2014. This regulation gave birth to the Witness and Victim Protection Institution (LPSK) as a Non-Structural Institution (LNS) that is outside the government structure but has full autonomy in exercising its authority (Ananda, 2013). Substantially, the authority of LPSK is regulated in Articles 5, 6, and 7 of Law Number 31 of 2014, which is the basis for guaranteeing the rights of witnesses and victims according to the authority of the institution. Institutional strengthening is also carried out through the Decree of the Chairman of LPSK Number Kep-127/I/LPSK/04/2014 which divides the organizational structure into three divisions: the Application Receipt Division, the Division for the Fulfillment of Witness and Victim Rights, and the Legal, Cooperation, and Internal Supervision Division plus one dissemination and public relations unit.

The problem becomes more complex when the victim of sexual violence is a child. The Indonesian criminal law system is considered to be still oriented to the perpetrator's point of view, even though the existence of the victim is an inseparable element from the occurrence of the crime itself, because the victim and the perpetrator are two interrelated elements in the occurrence of a crime (Gosita, 2003). Ironically, the majority of perpetrators of sexual violence against children are actually people who have personal closeness, even family relationships, to the victim. This situation causes the environment that should be a safe space for children to turn into a place where crimes occur, so many children choose to remain silent and not report.

Data shows that from 2020 to 2024 there were 66 cases of sexual violence against children, with 36 cases that have been legally resolved and 30 other cases are still in the process of being handled by the police. The lack of LPSK assistance is also an inhibiting factor in the optimization of handling these cases. As a concrete illustration, the rape case that befell the victim with the initials KNH by her stepfather with the initials MJ in the jurisdiction of the Jambi Police in 2024 shows that the investigation process takes place without LPSK assistance, even though the assistance should ideally be provided from the beginning of the legal process so that victims and witnesses can provide information without feeling pressured or intimidated.

The child protection framework is also strengthened through Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection. Article 69A of the law regulates special forms of protection in the form of reproductive health education,

social rehabilitation, psychosocial assistance, and assistance at each stage of legal examination. Similar provisions are listed in Articles 59A, 64, 66, and 71D which regulate the right to restitution for victim children. The normative definition of child protection is explained in Article 1 paragraph (2) of the law as all efforts to ensure the rights of children to live, grow, and develop optimally and be free from violence and discrimination.

However, the implementation of legal protection in the field is still far from optimal. Practice shows a number of weaknesses, including the cost of visum et repertum that is still charged to victims, the absence of post-conviction rehabilitation because it is considered not the responsibility of the court, and the non-optimal function of social rehabilitation institutions specifically for women and children (Juda, 2024). In fact, normatively, a number of regulations such as Law Number 39 of 1999 concerning Human Rights and Law Number 23 of 2004 concerning the Elimination of Domestic Violence have provided a comprehensive basis for the protection of children from physical, psychological, sexual, and social violence (Law of the Republic of Indonesia, 2007). The criminal provisions in Article 285 of the Criminal Code and Article 81 of the Child Protection Law also aggravate the threat of punishment for the perpetrator, including the addition of one-third of the penalty if the perpetrator is a parent or a party who has a parenting relationship with the victim, as strengthened through Perpu Number 1 of 2016 (Law of the Republic of Indonesia, 2016).

The gap between legal norms and the reality of their enforcement is the urgency of this study. Huraerah (2024) highlighted the problem of regulating compensation and restitution for children victims of sexual crimes based on the value of justice, focusing narrowly on the compensation and restitution mechanism and the role of LPSK within it, without examining LPSK's broader protective functions or situating the discussion within Islamic law. Arief (2018) examines the role of LPSK in the protection of victims of child sexual violence from a positive legal and Islamic law perspective at a normative level, and finds that significant special protection has not yet been realized despite the availability of regulations, but does not examine how this role is actually implemented in a specific jurisdiction. Meanwhile, Jenisca in her research at the Faculty of Law, Sriwijaya University reviewed the enforcement of child sexual violence criminal law in the East Jakarta area, focusing on the trend of decreasing cases and sanctions imposed on perpetrators, without addressing the position or function of LPSK at all. These three studies thus either discuss LPSK only in general normative terms, address a narrow aspect of its function such as restitution, or omit LPSK altogether, and none of them combines an empirical illustration of case handling in a specific regional jurisdiction with a comparative normative analysis of positive law and Islamic law. This study fills that gap by specifically analyzing the role of LPSK in protecting children as victims of sexual violence, using the case handling data from the Jambi Regional Police jurisdiction as an empirical illustration, while comparatively examining its regulation from the perspective of positive law and Islamic law.

Based on this description, the formulation of the problem in this study includes: (1) What is the role of the Witness and Victim Protection Institution (LPSK) towards children as victims of sexual violence in a positive legal perspective?, (2) What is the form of child protection as victims of sexual violence in the perspective of positive law and Islamic law? (3) How is the protection of victims of sexual violence against children in positive law and Islamic law? In line with these three formulations of the problem, this study aims to: (1) analyze the role of the Witness and Victim Protection Institution (LPSK) toward children as victims of sexual violence from a positive legal perspective, using case handling data from the Jambi Regional Police jurisdiction as an empirical illustration; (2) examine the forms of protection provided to child victims of sexual violence from the perspective of positive law and Islamic law; and (3) compare how the protection of child victims of sexual violence is regulated under positive law and Islamic law. Theoretically, this study is expected to enrich the study of sharia science related to the role of LPSK in child victims of sexual violence. Practically, the results of this

research are expected to contribute to the thinking of police officers in the implementation of child protection of victims, as well as become an informative reference for the public and future researchers who study similar topics.

## Method

This research uses a normative juridical approach to examine laws and regulations, legal principles, and legal norms related to the role of the Witness and Victim Protection Institution (LPSK) in protecting children as victims of sexual violence, reviewed from the perspective of positive law and Islamic law. The normative study is carried out by examining regulations and legal rules that are relevant to the issues raised, and is complemented by an illustrative empirical description of LPSK case handling data in the Jambi Regional Police jurisdiction to show how the normative provisions operate in practice. In order to produce systematic research and meet scientific standards, research methods are used as a way of careful thinking in searching, recording, compiling, formulating, and analyzing data until it is compiled into a final report. Methodologically, this process covers the entire flow of thinking starting from the discovery of research problems to their elaboration into a specific theoretical framework.

*Types and Types of Research.* Judging from its type, this research is included in the category of normative legal research (*normative juridical*), which is a scientific procedure to find the truth based on legal scientific logic from the normative side (Ibrahim, 2018). Based on this type of normative research, three approaches are used at once, namely the conceptual approach (*conceptual approach*), legislative approach (*normative approach*), and the case approach (*Case Approach*). The conceptual approach is used to examine legal concepts and doctrines relevant to victim protection, such as the concepts of preventive and repressive protection, non-derogable rights, and maqasid al-sharia, which serve as the analytical framework for interpreting the norms found. The statutory approach is applied by examining and cross-referencing the hierarchy and substance of relevant legislation, including the 1945 Constitution, the Criminal Code, Law Number 13 of 2006 and Law Number 31 of 2014 concerning the Protection of Witnesses and Victims, Law Number 35 of 2014 concerning Child Protection, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, and Law Number 12 of 2022 concerning the Crime of Sexual Violence, together with their implementing regulations. The case approach is used by examining the handling of a concrete case of child sexual violence in the jurisdiction of the Jambi Regional Police as an illustration of how the statutory provisions are applied, and is not intended as an independent empirical field study (Marzuki, 2017). These three approaches are part of qualitative research that is characterized by not being product-oriented, but rather oriented to the question of "how" and "why", with speculative data based on the perception of the parties involved. The validity of a study is determined by the accuracy of data collection and interpretation so that the conclusions produced truly reflect the reality being researched. As a science *Sui generis*, the character of legal science is prescriptive and applied, with the function of describing, systematizing, interpreting, assessing, and analyzing positive law based on the legal principles that underlie it. The focus of the problems studied is the application of positive legal rules and norms related to the role of LPSK in providing protection for child victims of sexual violence.

*Collection of Legal Materials.* Legal materials are collected through a *card system* supported by an internet-based computerized system to facilitate the analysis process. The legal materials used consist of three types: primary legal materials, in the form of laws and regulations related to the protection of child victims of sexual violence in the criminal justice system, including the Criminal Code, Law Number 8 of 1981, Law Number 35 of 2014, Law Number 31 of 2014, and Law Number 11 of 2012; secondary legal materials, including scientific works, research results, and criminal law literature relevant to the theme of LPSK and child protection; as well as tertiary legal materials, in the form of encyclopedias and supporting legal dictionaries. For the case approach, additional supporting data were obtained from the LPSK case handling report

for the Jambi Regional Police jurisdiction covering the 2022–2025 period, used only as an illustrative reference and not as the primary object of legal analysis.

*Legal Material Analysis Techniques.* Data analysis is defined as the process of processing, sorting, grouping, and integrating field data into structured scientific information (Mukhtar, 2013). This process is also understood as a systematic effort to organize observation records, interviews, and documentation to deepen understanding of the problem being researched. In line with that, data analysis is also interpreted as the systematic preparation of data through the organization of categories, synthesis, pattern preparation, selection of important data, and drawing conclusions that are easy to understand (Scott, 2022). The stages of analysis include: processing and preparing data, reading the entire data in its entirety, conducting *Coding* or processing data into category segments, describing the setting and theme of the research, presenting the theme in the form of a qualitative narrative, and interpreting the data that has been collected from the research location. The interactive analysis model used includes three interrelated activities, namely data reduction, data presentation, and conclusion drawn.

## Results and Discussion

### 1. The Role of the Witness and Victim Protection Institution (LPSK) towards Children as Victims of Sexual Violence in a Positive Legal Perspective

The Indonesian legal system basically has a relatively comprehensive foundation to protect children from sexual violence. *Law* Number 12 of 2022 concerning the Crime of Sexual Violence together with *Law* Number 35 of 2014 concerning Child Protection are the two main instruments that affirm the position of children as subjects of law, not just objects in the judicial process. These two regulations demand a holistic approach, which is not only oriented towards the prosecution of perpetrators, but also the fulfillment of victims' rights to protection, legal assistance, medical-psychological rehabilitation, and restitution.

In that context, LPSK has a strategic mandate based on *Law* Number 31 of 2014 as an amendment to *Law* Number 13 of 2006 concerning the Protection of Witnesses and Victims (Law of the Republic of Indonesia, 2006). This institution functions to provide physical, psychological, legal, and medical assistance to witnesses and victims of criminal acts, including children victims of sexual violence, as well as the authority to facilitate the provision of restitution and compensation as a form of restoration of rights that have been violated. The existence of LPSK is thus a manifestation of the state's responsibility to ensure that victims of crime receive proper justice, as emphasized Sunarso (2022) that this institution is a concrete form of the state in ensuring the restoration of victims' rights in the criminal justice system.

The role of LPSK is also inseparable from the theoretical framework of legal protection, especially the distinction between preventive and repressive protection proposed by Philipus M. Hadjon. Preventive protection is directed to prevent rights violations through policies that favor vulnerable groups, while repressive protection is aimed at restoring the rights of victims after violations through legal processes, compensation, or rehabilitation. These two forms are particularly relevant for children who are victims of sexual violence, considering that this group does not have the legal or social capacity to protect itself. Eddyono et al. (2007) explained that legal protection for children victims of sexual violence is part of the principle *Non-derogable rights*, namely basic rights that cannot be reduced under any circumstances, so that the state through its legal apparatus bears a constitutional obligation to ensure comprehensive protection, both from physical, psychological, social, and legal aspects.

Operationally, the role of LPSK is supported by a fairly detailed regulation of the rights and obligations of victims. Article 5 *Law* Number 31 of 2014 provides a number of rights to victims, including protection of personal and family security, the opportunity to determine the form of protection, freedom to give testimony without pressure, the right to a translator, the right to obtain information on case developments, new identities, new residences, and temporary

living expenses. On the other hand, victims are also burdened with a number of obligations, including not acting vigilantly, seeking to prevent the recurrence of criminal acts, and being willing to provide adequate information to the authorities. Mansur (2008) emphasized that the balance of rights and obligations makes the relationship between victim protection not a one-way process, but active cooperation between the state and protected individuals.

The implementation of LPSK's role in practice can be observed from case handling data in the Jambi Regional Police area. Based on the LPSK report for the 2022–2025 period, the number of protection applications related to child sexual violence actually shows a downward trend, as presented in the following table.

**Table 1.** Number of Applicants for Child Protection of Victims of Sexual Violence in the Jambi Regional Police in 2022–2025

| No. | Year | Number of Applicants |
|---|---|---|
| 1 | 2022 | 42 Applicants |
| 2 | 2023 | 36 Applicants |
| 3 | 2024 | 34 Applicants |
| 4 | 2025 | 32 Applicants |
| | **Total** | **144 Applicants** |

The decrease in the number of applications cannot be immediately interpreted as a real decrease in the number of cases in the field, considering that there is still a high possibility of cases that are not reported to law enforcement officials. Children as a group that are in a certain stage of psychological development tend to be easily manipulated by perpetrators, so that the disclosure of cases is often constrained by fear and shame in the victim. In carrying out its duties, LPSK runs eight protection programs for child victims of sexual violence, including the fulfillment of procedural rights, psychological rehabilitation assistance, restitution facilitation, psychosocial assistance, medical assistance, physical protection, legal protection, and temporary living expenses, with the fulfillment of procedural rights being the most realized programs.

However, the effectiveness of the role of LPSK still faces a number of structural challenges. First, sexual violence is not only a criminal problem, but also a social problem that requires cross-sectoral collaboration, especially with local governments. Second, most victims have not received access to reproductive health services as mandated by Government Regulation Number 61 of 2014, which risks having a long-term impact on children's growth and development. Third, the implementation of restitution decisions is often hampered by the perpetrator's financial incapacity, so many choose to undergo a substitute sentence rather than fulfilling the obligation to compensation. Agustini et al. (2021) stated that the issue of restitution and compensation is one of the weak points in the implementation of criminal policies against victims of sexual violence in Indonesia, as well as a challenge for LPSK in carrying out its recovery function. In order to strengthen protection at the investigation stage, Article 52 *Law* Number 12 of 2022 also authorizes investigators to conduct electronic recordings or remote examinations through audiovisual communication devices, with or without the consent of parents/guardians, as long as it still prioritizes the best interests of the child as a mechanism that is directly directed to prevent victimization during the legal process.

## 2. Forms of Child Protection as Victims of Sexual Violence in the Perspective of Positive Law and Islamic Law

Before discussing its forms of protection, it is important to affirm the conceptual limits of sexual violence against children. According to *Law* Number 35 of 2014, violence against children includes all acts that cause physical, psychological, sexual, and/or neglect misery or suffering, including threats, coercion, or unlawful deprivation of independence. Djamil (2013) explained that sexual violence against children can be in the form of indirect contact, such as words with sexual nuances, touch, or exposure to visual images, or direct contact in the form

of *incest*, rape, and sexual exploitation. Based on the identity of the perpetrator, sexual violence is commonly differentiated into *Family Abuse*, namely violence by parties who have a blood relationship or nuclear kinship, and *Extra family abuse* which is done by parties outside the nuclear family.

Judging from the form of their actions, deviations in sexual behavior towards children can be grouped based on three main motives, namely the fulfillment of sexual objects including pedophilia, *incest*, and hypersexuality economic motives when children are used as a means of earning a living through prostitution, as well as motives for seeking emotional warmth outside the family environment that encourage excessive sexual behavior. The causative factors are multidimensional, ranging from shifting in the value of dressing, promiscuity, weak appreciation of religious values, low social control, to court decisions that are considered too light so that they do not have a deterrent effect on the perpetrator.

In a positive legal framework, the form of protection for child victims is formulated in stages in *Law* Number 12 of 2022 (Law of the Republic of Indonesia, 2022). The first stage is in the form of temporary protection from the police for a maximum of 14 days from the time the victim is handled, with the authority to limit the perpetrator's movement space (Article 42). Furthermore, within 1 x 24 hours from the time temporary protection is granted, the victim is entitled to receive protection from the LPSK (Article 43), which in its implementation can synergize with the Regional Technical Implementation Unit for the Protection of Women and Children/UPTD PPA (Article 44). Other forms include restricting the movement space of defendants who are not detained (Article 45), the authority of the central government to delete access to electronic information containing sexual violence (Article 46), and requests for the removal of content by the relevant ministries on the proposal of the prosecutor in the public interest (Article 47). In addition to this tiered protection, victims are also guaranteed their rights to assistance at all levels of examination (Article 26) as well as to restitution and recovery services (Article 30).

More specifically, Article 69A *of Law* Number 35 of 2014 regulates special protection for children victims of sexual crimes through four efforts, namely reproductive health education and moral values, social rehabilitation, psychosocial assistance from treatment to recovery, and assistance at every stage of examination from investigation to trial. The provisions of Article 59A add the urgency of quick handling in the form of physical, psychological, and social treatment and rehabilitation, prevention of advanced health disorders, and social assistance for children from underprivileged families. Rika Saraswati (2015) emphasized that this framework shows a paradigm shift, from simply protecting children in a formal juridical manner to protection that reaches the social, health, and educational dimensions as a whole.

The comprehensive protection paradigm is in line with the ten principles of children's rights in the 1959 UN Declaration, which among others affirm the right to healthy self-development opportunities, the right to identity from birth, the right to family affection, the right to free basic education, and the right to be protected from all forms of neglect and violence. Maidin Gultom (2008) noted that these principles were then adopted into Articles 4–18 *of Law* Number 35 of 2014, which include the right to life and growth and development free from discrimination, the right to identity, the right to worship, the right to health insurance, and the right to expression according to the child's age and intelligence.

From the perspective of Islamic law, the protection of children victims of sexual violence is based on the concept of *Maqasid al-Syariah* which includes five types of basic rights, namely *Hifz al-Din* (religious observance), *HUFZ al-NAFS* (preservation of the soul), *HUFZ al-Nasl* (preservation of honor and nasab), *Hifz al-'aql* (maintenance of intellect through education), and *Hifz al-Mal* (maintenance of socio-economic rights). Anshori (2006) emphasizing that child protection in Islam is essentially the distribution of affection through the fulfillment of these basic rights, so that children can live, grow, and develop optimally, while avoiding criminal acts that hurt the sense of justice.

Concrete examples of child protection in Islam are illustrated by a number of histories about the Prophet Muhammad (PBUH), one of which is the story of a woman from the Banu Al-Ghamidiyah, who was still given the opportunity to breastfeed her child until the lactation period before serving his sentence, as a form of respect for the rights of children even though they were born from adultery. The principle of prohibiting violence against children is also reflected in the attitude of the Prophet who never committed violence against his children, wives, or maids, with strict limits on physical discipline. Sabiq (2007) outlines that the act of beating is only allowed at a certain age, not excessively, does not target vital body parts, and does not cause injury, a limitation that shows that Islamic law has since its inception made a strict separation between the attempt to discipline a child and prohibited acts of violence.

### 3. Regulation of Protection of Victims of Sexual Violence against Children in Positive Law and Islamic Law

The regulation of child protection of victims of sexual violence in Indonesia's positive legal system is spread across several complementary legislation products, namely *Law* Number 35 of 2014 concerning Child Protection, *Law* Number 11 of 2012 concerning the Juvenile Criminal Justice System, and *Law* Number 12 of 2022 concerning the Crime of Sexual Violence. Sadarjoen (2005) explains that *Law* Number 11 of 2012 specifically prioritizes the principle of *the best interest of the child* Through the approach of restorative justice and diversion, so that children, both as perpetrators, witnesses, and victims, receive legal and psychological assistance, child-friendly examination rooms, and guarantees of identity confidentiality. The synergy between the SPPA Law, the Child Protection Law, and the LPSK Law in turn forms a justice system that is humanist and oriented towards the best interests of children.

At the general criminal law level, the Criminal Code also contains provisions for child protection, including the prohibition of indecency violations against children (Article 283), the prohibition of sexual intercourse with minors (Article 287), and the prohibition of obscene acts against children (Articles 290, 294, 295, and 297). This provision became the foundation of material criminal law before the birth of a special law on sexual violence. The mechanism for recovering victim losses is then regulated through a restitution and compensation system based on Article 35 *Law* Number 26 of 2000, where restitution is compensation from the perpetrator or a third party, while compensation is borne by the state when the perpetrator is unable to fulfill his obligations. Squirrelly (2010) Identify four models of compensation in this system, namely purely civil compensation separate from criminal proceedings, civil compensation provided through criminal proceedings, restitution in a mixed civil-criminal pattern, and purely civil compensation financed from state revenue sources.

Constitutionally, the state's obligation to protect children is rooted in Article 27 paragraph (1) of the 1945 Constitution concerning equality of standing before the law, as well as Article 28B paragraph (2) which affirms the right of children "to survival, growth and development, as well as to obtain protection from violence and discrimination." This provision is then described in Article 1 paragraph (2) *of Law* Number 35 of 2014 which defines child protection as "any form of activity to guarantee and protect children and their rights so that they can live, grow, develop and participate optimally ... as well as receive protection from violence and discrimination." In line with that, Article 59 *of Law* Number 23 of 2002 affirms the responsibility of the government and state institutions to provide special protection to various categories of vulnerable children, including sexually exploited children and children who are victims of physical and mental violence.

Viewed from the perspective of Islamic law, the regulation of sanctions against perpetrators of sexual violence, especially in cases of deviance such as *liwath* , is not explicitly regulated in the Qur'an and hadith, thus leaving a diversity of views among scholars. The story of the Prophet Luth is described in surah Al-A'raf verses 80–84 and surah Hud verses 77–83,

which tell of the punishment in the form of hail and the drowning of the people due to the deviant acts they committed against the same sex. Quraish Shihab (2002) interprets the story as an affirmation that the actions of the Luthes are the first deviation in human history that must receive strict legal consequences, as well as a moral lesson for the generations to come.

There are three views of scholars on sanctions for perpetrators *Liwath*. The first view stipulates the death penalty, with the technical variation of execution in the form of stoning, burning, beheading, or being dropped from a high place. The basis of this view is based on the narration of Ibn Abbas who states, "Whoever finds a person doing the deeds of the people of Lot, kill the perpetrator and those he treats." The second view equates sanctions *Liwath* with the penalty of adultery, namely stoning for married perpetrators (*Muhsan*) and whipping a hundred times for the unmarried (*Ghairu Muhsan*), with the argument that there is an element of *Ilaj* which resembles the act of adultery. The third view rejects the equivalence with hudud zina because it is considered that it does not have a firm evidence, so the sanction is handed over to the *ta'zir*. Squirrelly (2010) explains that in this third view, the punishment *ta'zir* It is determined entirely at the discretion of the judge, and generally in the form of imprisonment for a long period of time so that the act does not spread widely in the community.

This diversity of views shows that Islamic law still provides ijtihad space in determining the form of sanctions, as long as its main purpose, namely the maintenance of honor and nasab as well as the benefit of generations, is maintained. The principle of prudence for the future of this generation is also reflected in Surah An-Nisa' verse 9, which reminds everyone to always worry about the welfare of weak offspring and be pious in speaking. Thus, the regulation of child protection of victims of sexual violence, both in positive law and Islamic law, is basically in the same direction, which is to place children as subjects who must be protected comprehensively, not just objects in the law enforcement process.

## Conclusion

Based on the above discussion, it can be concluded that the Witness and Victim Protection Institution plays an important role in providing physical, psychological, legal, and restitution protection for children victims of sexual violence, although its implementation is still constrained by the lack of access to reproductive health services and the financial inability of the perpetrators to meet compensation. Positive legal protection through various regulations has regulated a tiered mechanism ranging from temporary security to full assistance, while Islamic law places child protection within the framework *of maqasid al-sharia*, especially *hifz al-nasl* and *hifz al-nafs*. The two legal systems, although they have different normative approaches, both boil down to the goal of making children a subject that must be protected comprehensively, not just an object in the judicial process. Referring to these findings, it is recommended that LPSK expand the reach of its assistance to areas that have had minimal access, including conducting active socialization to the community so that victims and families do not hesitate to report. Local governments also need to be encouraged to collaborate more closely with law enforcement officials to accelerate the fulfillment of the right to rehabilitation and reproductive health services for victims' children. In addition, strengthening the mechanism for the execution of restitution needs to be clarified so that it does not always lead to substitute crimes. Further studies are also recommended to examine the effectiveness *of ta'zir* and *non-derogable rights* in the context of child protection based on a more in-depth comparison of positive law and Islamic law.

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