

The Dual Burden of Child Sexual Abuse: Victim Experiences and Law Implementation Gaps

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Abstract

Introduction to The Problem: The experience of sexual abuse in childhood extends beyond detrimental effects on overall well-being, manifesting in the form of adverse treatment during the recovery phase. This critical issue necessitates a thorough reassessment of the effectiveness and dedication in the enforcement of child protection legislation, particularly in how it supports and prioritizes the needs and welfare of these young victims during their recovery journey.

Purpose/Objective Study: The primary aim of this research is to delineate the specific characteristics and far-reaching consequences of child sexual abuse, as well as to critically appraise the execution of the child protection laws in terms of the care and treatment provided to the young victims throughout their recovery.

Design/Methodology/Approach: Employing a descriptive normative methodology, this study is underpinned by both primary and secondary data sources. Primary data were meticulously collected from online news reports, shedding light on the nature, contributing factors, and the multifaceted impacts of child sexual abuse. Complementary secondary data were meticulously compiled from a thorough examination of legislative documents, scholarly books, and pertinent academic articles.

Findings: Firstly, the majority of child victims of sexual abuse are under the age of 18, with a significant number of the perpetrators being individuals within the victims' immediate social circles. Secondly, the ramifications of such abuse extend beyond



physical harm, profoundly affecting the psychological well-being and future quality of life of the victims. Thirdly, a notable proportion of these young victims face negative experiences during their recovery, a situation stemming from both societal indifference and the inadequate application of child protection laws. This shortfall in law enforcement fails to sufficiently address and safeguard the rights and well-being of child victims of sexual abuse during their critical period of recovery.

Paper Type: Research Article

Keywords: Revictimization; Victims; Child Sexual Abuse; Child Protection Act

Introduction

In the context of child sexual abuse, the treatment received by victims often revictimizes them during their recovery. The Indonesian Ministry of Women's Empowerment and Child Protection reported 4,357 cases of child sexual abuse over the past five years. Fernando et al. (2023) highlight that child, while being a vulnerable group to sexual violence, frequently suffer additional victimization within their social environments. Inconsistencies in the enforcement of laws against sexual offenders and the limitations of child protection legislation in addressing the needs and welfare of victim's post-conviction are significant concerns. The treatment of children identified as sexual abuse victims is a crucial area for analysis to evaluate the current child protection laws' effectiveness in supporting their interests and welfare in social recovery contexts (Fernando et al., 2023).

Sexual abuse encompasses not only direct physical contact but also indirect nonphysical interactions (German et al., 2021). Lankford (2021) identifies unfulfilled sexual behaviors and desires, lack of a partner, and unmet sexual satisfaction as key factors increasing the risk of child sexual abuse. This abuse, beyond being a human rights violation, often results in the structural and cultural subordination of its victims (Banarjee, 2020). Hence, preventing child sexual abuse requires not only consistent legal enforcement but also the implementation of child protection laws that adequately address the needs and welfare of the victims, especially in their social recovery process where they are at risk of re-victimization.

Child protection laws refer to a series of legal processes aimed at protecting the rights and welfare of children from various forms of exploitation, abuse, violence, and ensuring positive treatment in their social environment during recovery (Yusyanti, 2020). In Indonesia, child protection is outlined in Act No. 17 of 2016, focusing on concepts and implementation of child protection and emphasizing sanctions for perpetrators causing harm to children (Pohan & Hidayani, 2020). This context is further reinforced by Act No. 4 Year 1979, which explicitly states every child's right to care and protection from conception (Suryani, 2021). Additionally, the ratification of the Convention on the Rights of the Child by Indonesia, following the UN General Assembly resolution on January 26, 1990, is established by Presidential Decree No. 36 of 1990, affirming the Convention on the Rights of the Child (Mastur et al., 2020).

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The consistency in implementing child protection laws to accommodate the interests and welfare of child victims of sexual abuse is a crucial context for explanation and analysis. However, studies so far have primarily focused on three aspects: the legal enforcement process for sexual abuse victims (Wismayanti et al., 2021; Tener & Katz, 2021; Mathews, 2019), the role of formal and informal institutions in preventing sexual abuse (Prikhidko et al., 2021; Assini-Meytin et al., 2021; Rudolph et al., 2018), and the biological implications for victims (Pankowiak et al., 2023; Condon et al., 2022; Moog et al., 2022). Generally, research on child involvement in sexual abuse cases has concentrated on legal implementation, prevention, and biological implications, lacking a comprehensive exploration.

Children who have suffered sexual abuse often encounter negative treatment within their social environments. Fernando et al. (2023) note that child victims of sexual abuse often receive negative treatment in their social environments. This not only revictimizes them but also raises questions about the consistency of the implementation of child protection laws in accommodating their interests and welfare post-abuse. To date, comprehensive studies that discuss and analyze the consistency of child protection law implementation in this regard are lacking. Therefore, this study focuses on explaining and analyzing the treatment received by child victims of sexual abuse in their recovery process, questioning the consistency of child protection law implementation. It aims to shed light on three critical questions: the characteristics of child sexual abuse cases, the implications of such abuse on the child's quality of life, and the treatment received by the child in their social recovery environment. This study argues that the negative treatment of child sexual abuse victims in their social recovery, apart from re-victimizing them, is influenced by the inconsistent and inadequate implementation of child protection laws in supporting their welfare and interests during recovery.

Methodology

This study was conducted to elucidate and analyze the consistency of the implementation of child protection laws in accommodating the interests and welfare of child victims of sexual abuse during their recovery process. This context was examined through the characteristics of cases, implications, and the treatment received by child victims of sexual abuse in their social recovery environment, using online news reports as a primary source. The study is predicated on three considerations. First, the characteristics of child sexual abuse cases remain a central issue that has not been comprehensively addressed in previous studies. Second, the long-term implications of sexual abuse on a child's life welfare necessitate detailed elucidation. Third, the treatment received by child victims of sexual abuse reflects the success or failure of the implementation of child protection laws, making it imperative to analyze. These considerations form the basis for this study's focus on examining and analyzing the consistency of the implementation of child protection laws.



The study adopts a descriptive normative approach, based on both primary and secondary data. Primary data were obtained through the analysis of 1,500 online news articles reporting cases of child sexual abuse. The search and review of these data were conducted using the Indonesian search term "kasus-kasus kekerasan seksual terhadap anak" (cases of child sexual abuse) via the Google search engine. This process of searching and reviewing online news was carried out through skimming and intensive reading from May 25 to July 1, 2023, by five authors. This reading process yielded three general themes regarding child sexual abuse cases in online news reports: 500 articles reporting the characteristics of child sexual abuse cases, 500 articles reporting the implications of sexual abuse on children, and 500 articles reporting the treatment received by child victims of sexual abuse in their social recovery environment. Correspondingly, secondary data were obtained through a review of child protection law texts, books, and articles relevant to the focus of discussion.

Data analysis in this study followed the approach previously employed by Fernando et al. (2023), focusing on three stages. First, data reduction, which involved reorganizing data into a more systematic format based on the classification of the obtained data according to the characteristics, conditions, and implications of the data trends. Second, data verification, which entailed thematically summarizing the reduced data. Third, data description, which involved presenting data in table format containing quotes from the verified online news texts according to the discussion focus. Following these processes, an inductive analysis of the data was performed as a basis for interpretation. Interpretation of the data was conducted as previously done by Galuh Larasati et al. (2023), involving restatement and testing the consistency of the existing data with the normative orientation of the child protection law texts. The stages and processes of analysis undertaken in this study allowed for the conclusion regarding the consistency of the implementation of child protection laws.

Results and Discussion

In addition to describing the characteristics and implications of sexual violence on children's wellbeing, the findings of this study also demonstrate the negative treatment received by child victims of sexual violence during their recovery process in the social environment. Logie et al. (2023) also state that the negative treatment of child victims of sexual abuse during their recovery process positions the children as victims again and highlights the inconsistent implementation of child protection laws in accommodating the interests and wellbeing of child victims of sexual abuse during their recovery. This context can be seen and reflected through three important findings in this study.

Characteristics of Child Sexual Abuse Cases

The cases of sexual violence experienced by children have very complex modus operandi characteristics. This context is also in line with what was stated by Fernando



et al. (2023) that cases of child sexual abuse have very complex case characteristics ranging from the status of the perpetrator to the identity of the child who is the victim of sexual violence. This context can be seen and reflected in the cases of sexual violence against children reported through online news below.

"A six-year-old girl was the victim of sexual violence committed by a 56-yearold man who is her neighbor. The perpetrator often invited the victim to play at his house. Every time he committed an act, the perpetrator always threatened the victim not to tell anyone" (Permana, 2021).

The reported case of child sexual abuse highlights the characteristics of the victim as being only six years old, with the perpetrator being a 56-year-old male who holds the status of the victim's neighbor. Yüksel & Koçtürk (2020) also state that approximately 35% of child sexual abuse victims are seven years old, with the perpetrators often being individuals close to the victims, such as neighbors. The severity of the sexual abuse experienced by the child is further compounded by the perpetrator's use of threats to silence the victim, preventing them from disclosing the incident to anyone. This makes it exceedingly challenging to bring such cases of sexual abuse to light (Ersoy & Özkan, 2017).

Not only neighbors but also, quite frequently, individuals who are uncles of the victims have been found to perpetrate child sexual abuse, as can be observed in the following online news report.

"A 16-year-old girl was raped by her own uncle, initials SA, 23. The perpetrator committed the act when the victim was asleep at night. Her uncle's actions were discovered by the victim after she woke up because she felt pain in her vital organs" (Gandi, 2022).

The case of sexual violence against a minor described above involves a 16-year-old girl as the victim and her 23-year-old uncle as the perpetrator. Andresen (2023) highlights that a distressingly high number of child sexual abuse cases involve the victim's own family members as the perpetrators. The propensity of a child's immediate family members or close associates to engage in acts of sexual violence is significantly shaped by the hierarchical and patriarchal norms prevalent within family structures. Such dynamics place children at heightened risk of experiencing violence, including sexual abuse, within their own homes, with uncles frequently being the perpetrators (Tener, 2018).

Additionally, instances of sexual violence against children by their grandfathers have been considerably documented, as further illustrated by the subsequent online news report:

"A case of assault and molestation was experienced by a 15-year-old elementary school girl. The 76-year-old perpetrator was the victim's grandfather. The incident came to light after the victim was found to be pregnant and admitted to being raped by her grandfather" (Rahman, 2023).



The aforementioned case highlights the disturbing dynamics of child sexual abuse, featuring a 15-year-old victim and a 76-year-old perpetrator, who distressingly is the victim's grandfather. Kuswardani (2019) emphasizes that the frequent involvement of a child's immediate family or close associates in such crimes is often overshadowed by misleading assumptions that these individuals are less likely to be perpetrators. This misconception significantly hinders the identification and acknowledgement of such acts as deviant or criminal when committed by close relatives like grandfathers.

Moreover, this pattern of abuse is not limited to family members; educators too have been implicated in numerous instances of sexual violence against students, as illustrated in the following online news excerpt:

"A middle school teacher with the initials YH, 54 years old, molested 12 female students averaging 13–14 years of age. The perpetrator committed acts of touching sensitive body parts of victims under the pretext of getting closer with his students" (Yulianto, 2023).

The reported case of child sexual abuse above underscores the alarming scenario where the victims are young adolescents, aged 13–14 years, with the perpetrator being a 54-year-old teacher. This disturbing trend, as Lathifah et al. (2022) note, highlights the prevalence of such abuse in seemingly safe spaces, like schools. Echoing this, Altinyelken & Le Mat (2018) found that a significant 54.3% of child sexual abuse incidents take place in school settings, implicating teachers as the primary offenders. These teachers often resort to coercive tactics, either by threatening their students or by manipulating them with the offer of higher grades in courses they teach (Dewi et al., 2023).

The dynamics of child sexual abuse within social spheres present a multifaceted problem, spanning the spectrum from the perpetrator's profile to the vulnerable status of the child victims. This situation suggests that children are frequently subjected to abuse by individuals in their immediate social circles. Supporting this, Leclerc et al. (2014) observed that in America, a considerable number of child sexual abuse perpetrators are from the victims' own environments, including family, neighbors, and school personnel. The locations of these abuses vary, occurring in proximity to the victim's home, in neighboring residences, and even within the confines of school classrooms. Hence, child sexual abuse not only potentially involves those closest to the victims but also transpires in environments traditionally perceived as secure and violence-free, like homes and educational institutions.

Implications of Child Sexual Abuse

The sexual violence experienced by children has had profound negative implications on their wellbeing and quality of life. As Kavenagh et al. (2023) notes, in addition to causing mental health changes in victims, child sexual abuse also alters societal treatment of abused children within their social environments. This context can be



seen and reflected in changes to the conditions of sexually abused children, as reported in the following online news:

"A 14-year-old girl with the initials EL suffered mental disorders after being raped by a 63-year-old man who was her uncle. Because the victim's family was slow to address the case, the victim suffered severe psychological trauma for months" (CNN Indonesia, 2018).

The changes to the mental state of the sexually abused child, as quoted above, demonstrate that implications of such violence often lead to severe psychological trauma for the victim due to the slow response of family members. As McGinley et al. (2019) discusses, sexual violence perpetrated against one's will has profoundly negative implications for the victim's psychological wellbeing. This occurs due to stigma, shame, and negative labeling faced by victims from society, which positions abused children as victims yet again (Ulloa et al., 2016).

In addition to psychological implications, sexual abuse can also cause children to develop fear of adult men, as seen in the following online news report:

"Two girls with the initials NR 5 years old and NJ 9 years old who were victims of sexual violence suffered severe trauma. Both victims are afraid to meet adult men. The victim's condition worsened after the victim was entrusted not to her parents in the recovery process" (Isa, 2021).

The mental condition changes in child victims of sexual abuse, as reported above, demonstrate that the implications of such abuse often lead to a fear of adult men, especially when recovery processes do not involve the victims' parents. Levenson & Grady (2019) also note that child victims of sexual abuse not only face psychological implications that instill fear of interacting with people in their social environment but also often withdraw from these environments. In other words, child sexual abuse affects not only the biological but also the social conditions of the child (Aditya & Waddington, 2021).

Beyond experiencing fear, children who have suffered sexual abuse often end up in social isolation, as seen in the following report.

"A total of 12 girls who were still in elementary school chose not to go back to school after being victims of sexual violence by their school principal. These child victims of sexual violence also chose to isolate themselves for fear of experiencing negative treatment from their friends at school" (Ramadhan, 2015).

The mental condition changes in child victims of sexual abuse, as quoted above, indicate that the implications of such abuse often lead to social isolation due to fear of negative treatment from peers. Kennedy & Prock (2018) attribute this to the lack of societal and governmental commitment, especially in treating child victims of sexual abuse during their recovery. Therefore, many child victims of sexual abuse choose to



isolate themselves from their social environments during recovery (Sigurdardottir et al., 2014).

Beyond social isolation, sexual abuse in children can also lead to suicidal actions, as shown in the following report:

"A 14-year-old girl with the initials FB who was still in junior high school, decided to end her life after being a victim of sexual violence. It is suspected that she chose to commit suicide because of the shame she experienced after being a victim of sexual violence" (Harruma, 2016).

The mental condition changes in child victims of sexual abuse, as reported above, show that the implications of such abuse can lead to suicide due to the shame experienced by the victim. Collin-Vézina et al. (2021) suggest that suicide in sexual abuse victims is influenced by four reasons: to overcome, to end the abuse, to express emotions, and as a form of resistance. Gill & Harrison (2019) affirm that suicide by child victims of sexual abuse is an expression of coping with intolerable treatment, thus seen as a rational choice in dealing with their abuse.

The sexual abuse of children profoundly affects their future well-being and quality of life. This indicates that besides physical implications, child sexual abuse also significantly affects the victim's mental state, dominantly influencing their future quality and welfare. In other words, child sexual abuse adversely impacts not only the child's physical condition but also their future mental health and social welfare (Sudirman et al., 2023). Altinyelken & Le Mat (2018) also note that the welfare of child victims of sexual abuse is often overlooked by society and the state, leading to not only physical but also psychological problems. Therefore, active roles from society and the state are crucial in treating and accommodating the interests and welfare of child victims of sexual abuse (Fitriani et al., 2023).

Treatment of Child Victims of Sexual Abuse during Recovery

Upon being identified as victims of sexual abuse, minors commonly encounter adverse treatment during their recovery in social settings. Yusyanti (2020) highlights a concerning issue regarding the effective application of child protection laws, noting that children often suffer additional mistreatment even after being formally acknowledged as victims of such crimes. This situation is evident in the following online news report.

"An unfortunate fate was suffered by an 11-year-old girl with the initial R, who was kicked out of her home by her parents after being raped by her brotherin-law. R's parents even requested that the case not be reported to the police" (Sormin, 2021).

The reported case of the young victim of sexual abuse tragically illustrates a common aftermath where child victims are often ostracized from their family homes following incidents of abuse. This situation not only necessitates a strong commitment from



parents to support their children's social recovery but also underscores the need for child protection laws to be more effectively tailored. These laws should actively cater to the interests and well-being of sexually abused children, aiming to prevent further mistreatment and to facilitate their healing and rehabilitation within their communities (Larasati & Abdullah, 2023). This approach is essential in ensuring a supportive and protective environment for these vulnerable children during their critical recovery period.

In addition to banishment from homes, sexually abused children also commonly face mistreatment such as being forced to marry their perpetrators, as seen in the following news report:

"A 14-year-old rape victim was coerced into marrying her attacker. The family agreed to privately resolve the rape case in order to avoid legal prosecution. Both families consented to marry the victim to the perpetrator" (Kakisina, 2016).

The negative treatment of the child victim of sexual abuse, as reported above, reveals that children, after falling victim to sexual abuse, are often compelled to marry their abusers as a form of familial conflict resolution. Such resolutions often re-victimize the child, as decisions are made without considering the victim's interests (Barnert et al., 2016). Therefore, the consistency of child protection laws in accommodating the interests and welfare of child victims of sexual abuse in their recovery process requires thorough evaluation of its implementation.

In addition to being forced into marriage with their abusers, child victims of sexual abuse often face negative treatment such as expulsion from their communities, as seen in the following online news report.

"Girls with the initials AS, 7 years old, and LS, 9 years old, who were victims of sexual violence by their biological father, were expelled by the community from their village. The expulsion carried out by the community against the child victims of sexual violence was done on the grounds of maintaining the good name of the village" (Putri, 2020).

The reported instances of negative treatment directed at child victims of sexual abuse underscore the harrowing reality that these children, having already suffered abuse, may additionally confront ostracism from their communities, including expulsion from their homes. This action is often justified as a measure to preserve the community's reputation. While the objective of child protection laws is to safeguard and promote the welfare and interests of children, it is apparent that their current application falls short in preventing such adverse treatments. This oversight in the laws' implementation contributes to the further victimization of child survivors of sexual abuse during their critical phase of social recovery (Aborisade, 2022).



Moreover, the plight of these children is compounded by additional negative repercussions, such as being expelled from educational institutions, further exacerbating their trauma and isolation, as detailed in subsequent online news reports.

"A 15-year-old girl with the initials NG, attending a vocational high school, was expelled by the school authorities after falling victim to sexual abuse. The 15-year-old, instead of receiving protection, was removed from her school" (Metro Online, 2017).

The reports of negative treatment endured by child victims of sexual abuse reveal a disturbing trend where these children, already traumatized by abuse, are further marginalized through expulsion from their schools. This practice starkly contrasts with the intended purpose of child protection laws, which are designed to uphold the rights and provide for the care, education, and overall welfare of children who are victims of crime (Yanto et al., 2020). The adverse experiences of child victims of sexual abuse during their recovery process serve as a critical measure of the efficacy of these laws. Their experiences indicate that current legal frameworks are insufficiently protective and supportive of the needs and rights of child victims of crime, highlighting a significant gap in both legal protection and societal understanding (Munjiah, 2023).

Children who endure sexual abuse often face additional adversity during their social recovery process, a situation that critically underscores the need for consistent and effective implementation of child protection laws. These laws should prioritize the interests and welfare of child victims, yet their application frequently falls short. Fernando et al. (2023) emphasize that the true effectiveness of a law is reflected in how consistently and dedicatedly a community adheres to its principles. This encompasses not only ensuring just punishment for perpetrators but also, crucially, providing for the proper recovery and rehabilitation of victims. Beyond the immediate support from those close to the victims, the thorough and victim-centered enforcement of child protection laws is essential. Such implementation plays a vital role in reducing further harm and negative experiences for child victims of sexual abuse, aiding their healing and reintegration process.

Conclusion

The findings of this study reveal the complex characteristics and implications of child sexual abuse. These can be seen through three key discoveries made in this study. First, the typical age of child victims of sexual abuse is below 18 years, with a potential involvement of close associates of the victims as perpetrators. Second, the implications of sexual abuse on children affect not only their physical condition but also their psychological state, which in turn impacts their future well-being. Third, child victims of sexual abuse often receive negative treatment during their recovery process. This occurs due to a lack of societal commitment and inconsistencies in the implementation of child protection laws, which have yet to fully accommodate the



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interests and welfare of sexually abused children during their recovery. This study's findings differ from previous research. Earlier studies addressing children's involvement in sexual abuse cases focused primarily on prevention contexts and the biological implications for child victims in the realm of effective law enforcement. However, this study reveals that beyond impacting the well-being of children, the negative treatment experienced by child victims of sexual abuse during their social recovery highlights the inadequacy of child protection law implementation in addressing the interests and welfare of child victims in their recovery process. These findings are expected to provide a dialogic foundation for future criminological studies and to evaluate the implementation of child protection laws in positioning child crime victims in their recovery process.

This study also acknowledges a limitation in its data collection process, which was conducted solely through online news reports on child sexual abuse cases, using specific search hashtags. Consequently, the data described in this study are based only on online news reports. Nevertheless, this limitation is anticipated to lay a foundational basis for future research, especially studies aiming to elucidate the model of child protection law implementation. These future studies should include interviewing legal practitioners, thereby offering a more comprehensive and normative understanding of the consistency of child protection laws in positioning child crime victims throughout their recovery process.

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Declarations

Author contribution: Author 1: initiated the research ideas, instrument
construction, and analysis. Author 2: data collection and
draft writing. Author 3: revised the research ideas. Author
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