



## Psychological Impact on Children Due to the Decision of Acquittal of Child Abuse Crimes Linked to the Child Protection Law

Dian Widyaningrum<sup>1</sup>, Yuniar Rahmatiar<sup>2</sup>, Muhamad Abas<sup>3</sup>

<sup>1,2,3</sup>*Universitas Buana Perjuangan Karawang*

Email: [hk19.dianwidyaningrum@mhs.ubpkarawang.ac.id](mailto:hk19.dianwidyaningrum@mhs.ubpkarawang.ac.id)

Number Phone (Whatsapp): 082291145756

**Abstract** - The rise in child molestation cases has brought significant concern due to the severe psychological and physical trauma inflicted on victims, particularly children. Such trauma can hinder their future growth and development. This study investigates the legal framework governing child molestation crimes and examines the psychological impact on children when perpetrators are acquitted, particularly in relation to the Child Protection Law. The research employs a normative legal method to analyze relevant laws, including both the Criminal Code and the Child Protection Law, which impose varying penalties based on the nature of the crime and the relationship between the offender and the victim. The results indicate that acquittal in molestation cases leads to prolonged psychological harm, increases the risk of physical issues such as sexually transmitted diseases, and can result in social stigmatization and exclusion. The study concludes that robust legal protection is essential for child victims, emphasizing the importance of ensuring their rights and providing appropriate remedies. Law Number 35 of 2014 on Child Protection underscores the state's obligation to protect children from all forms of violence, including sexual violence.

**Keywords:** Children, Psychological Impact, Crime

### I. INTRODUCTION

Child molestation is a grave criminal act that violates societal norms of decency and politeness, leaving lasting negative impacts on the victim, especially when the victim is a child. The prevalence of child abuse crimes has alarmed society, highlighting the urgent need for justice and the protection of vulnerable individuals. The societal demand for justice in these cases is paramount, as the trauma inflicted on young victims can severely hinder their psychological and physical development, impacting their future growth. Molestation, as defined by legal scholar Moeljatno, encompasses any act that violates morality and involves improper sexual behavior driven by lust. These actions, which may include groping, kissing, and other forms of inappropriate contact, are often committed with violence, intimidation, or coercion. The perpetrators of such crimes are frequently individuals close to the victim, such as teachers, doctors, or even biological parents, who are supposed to protect and care for them. The betrayal of trust in these situations deepens the harm caused to the victim (Rahayu, 2013).

The increasing number of child molestation cases, often shared widely through social media, has brought this issue into the public eye, regardless of the socioeconomic status of the victims or perpetrators. These crimes can arise from various factors, including environmental influences, psychological trauma, or sudden psychological shocks related to sexual desires (Machmud et al., 2022). The legal system plays a crucial role in addressing

these crimes, with the court's decision being a key element in delivering justice. However, the acquittal of perpetrators in molestation cases can have significant repercussions (Rachmawati, 2023). Such verdicts may occur due to insufficient evidence, procedural flaws, or a perceived lack of fulfillment of the criminal offense's components. When a perpetrator is acquitted, the psychological impact on the victim and their family can be profound, leading to feelings of betrayal by the legal system and a diminished sense of protection.

This research seeks to address two critical questions: How is the crime of child molestation regulated in the legal framework? And what are the psychological impacts on children following the acquittal of molestation cases, particularly in relation to the Child Protection Law? By exploring these issues, the study aims to shed light on the challenges faced by the justice system in protecting children from sexual crimes and the need for legal reforms to ensure justice and protection for the most vulnerable.

## **II. METHOD**

This research is analysis based on established norms using qualitative investigation methods with several things that need to be considered as follows: In this study, the author employs a normative juridical approach, focusing on the examination of legal norms and regulations related to the crime of molestation and child protection. The primary data sources for this approach include legislative materials, legal doctrines, and relevant case law, all of which are analyzed through literature reviews and secondary data. While the normative juridical approach is typically centered on legal texts and their application, this study also considers the psychological impact on children by examining how the law addresses the needs and rights of child victims.

Specifically, the research explores legal provisions that mandate psychological support for victims, assess the adequacy of existing legal protections, and evaluate the implications of legal decisions—such as acquittals—on the mental health of child victims. By combining legal analysis with a focus on the psychological repercussions, the study seeks to provide a comprehensive understanding of how current laws not only punish offenders but also protect and support victims, particularly children who suffer from the traumatic effects of molestation. The specification in this study is descriptive analytical. The rationale for selecting this specification is to offer an overview plus explain everything that is real.

## **III. RESULT AND DISCUSSION**

### **REGULATION OF VIOLATIONS**

#### **1. Crime of Obscenity**

The definition of obscene acts according to Adami Chazawi is all kinds of actions, done in relation to and about genitalia or other physical parts that can elicit sexual stimulation, both to oneself and to others desire (Chazawi, 2005). Soesilo (1996) gave an explanation for obscene acts, namely all acts that violate morality (politeness) or heinous acts, all of which are within the context of sexual desire. The types and terms of abuse are as follows:

- 1) *Exhibitionism*: That is, intentionally exposing the genitals to others;
- 2) *Voyeurism*: That is, kissing someone lustfully;
- 3) *Fondling*: That is, stroking or touching a person's genitals;
- 4) *Fellation*: That is, forcing a person to make oral contact.

Based on this explanation, an obscenity crime involves committed through a person someone driven by sexual desire to engage in activities that can stimulate lust (Hamzah, 2018). The crime of molestation exists as class involving felony this has a very harmful outcome, mainly on the victim, since molestation will violate universal rights and can degrade personal esteem, significantly to the psyche, intellect and children. The criminal perform of molesting children as victims is controlled Criminal Statue and in specialized provision, which are as follows.

Violations related to morality are regulated in Articles 289 to 296 of the Criminal Code, which fall under Chapter XIV of Book II and categorize these violations as crimes against

morality. Specifically, child abuse is addressed in several key articles of the Criminal Code. Article 290 outlines that anyone who commits an obscene act with a person they know or should suspect is under the age of fifteen, or not yet ready for marriage if the age is unclear, faces up to seven years of imprisonment. This also applies to those who persuade such a minor to engage in or permit acts of fornication or sexual relations outside of marriage. Article 292 addresses the issue of adults who engage in obscene acts with minors of the same sex, prescribing a maximum sentence of five years in prison for such offenses.

Article 293 specifies that anyone who, through the offer or guarantee of money or goods, or by exploiting the authority arising from a situational bond, misleads or transports a minor to engage in or permit an obscene act, faces up to five years of imprisonment. Article 294 intensifies the punishment for those who commit inappropriate acts with their children, stepchildren, adopted children, or minors under their care or supervision, with a maximum sentence of seven years' imprisonment. Finally, Article 295 extends this to anyone who causes or facilitates obscene acts involving children under their supervision, including stepchildren and adopted children, mandating a penalty of up to five years' imprisonment. These provisions underscore the severity with which the law treats offenses related to child abuse and immoral acts, emphasizing the protection of minors from exploitation and harm.

## 2. Criminal acts of molestation against children based on the Law on Child Protection

The Law on Child Protection emphasizes that the responsibility of parents, families, communities, the Protecting children's rights involves continuous efforts and activities by the government and the state. These activities need to be sustainable and aimed at supporting the comprehensive growth of children, including their physical, mental, spiritual, and social development. This endeavor aims to create the best life for children, who are anticipated to become the nation's future leaders, embodying potential, resilience, nationalism, and the principles of noble morals and Pancasila. Child protection refers to all actions taken to ensure that children and their rights are upheld so that they can live, grow, develop, and engage as fully as possible in line with human dignity and to be shielded from discrimination and violence. The goal to be achieved through this law is to ensure the fulfillment and protection of children's rights to realize Indonesia's kids who exhibit quality and integrity and prosperity.

Criminal acts of molestation committed by adults against children are addressed under Articles 76D and 76E of Law Number 35 of 2014, which amends the earlier Law Number 23 of 2002 on Child Protection. Article 76D specifically prohibits anyone from using violence or threats of violence to force a child into sexual intercourse, whether with the perpetrator or another person. Meanwhile, Article 76E expands this prohibition, making it illegal for anyone to use violence, threats, coercion, deception, or a series of lies to manipulate or persuade a child into engaging in or permitting obscene acts. These provisions reflect the law's strong stance against the exploitation and abuse of children, emphasizing the need to protect minors from such harmful and coercive behavior. Article 82 paragraph (1) stipulates that anyone who contravenes the provisions outlined in Article 76E shall face imprisonment for no less than 5 years and up to 15 years, along with a maximum fine of Rp 5,000,000,000.00 (five billion rupiah).

Article 76 E under Law Number 35 of 2014, which addresses Child Protection, abuse can occur through violent actions, a series of lies to commit obscene acts, then in the case of molestation the victim is still a minor. Molestation is classified as an absolute complaint offense, meaning that prosecution can only proceed if a complaint is filed by specific parties. Parents whose children are victims of the crime of molestation immediately receive medical attention. In addition, this medical procedure is necessary to obtain *Visum et Repertum*. The criminal procedure law explains that *Visum et Repertum* can be included as one of the evidence (written) that there has been an incident of molestation against the victim.

*Visum et Repertum* is one of the 5 (five) valid pieces of evidence regulated in Article 184 paragraph (1) juncto Article 187 of the Criminal Procedure Code (KUHAP), namely letter evidence. Regarding the molestation that occurs in children, the results of *Visum et Repertum*

from doctors play an important role because this letter shows that it is indeed medically proven that the child has committed a criminal act of molestation.

### 3. Elements of Criminal Acts of Obscenity

The elements of the crime of molestation regulated in Article 76 D and Article 76 E of Law Number 35 of 2014 concerning Child Protection are detailed as follows:

- 1) Everyone  
Law Number 35 of 2014 concerning Child Protection in article 1 number 16 states the meaning of "everyone" is an individual or corporation. This means that the element of each person includes a legal subject, both an individual and a legal entity, who commits an act threatened by the law committed by a person who can be held accountable (*toeakaun van baarheid*).
- 2) Committing violence or threats of violence, forcing a deception, committing a series of lies, or persuading a child to commit or allow an obscene act to be committed.

Regarding the meaning of the word "Committing deception, a series of lies, and persuasion as referred to in Article 81 paragraph (2) and Article 82 paragraph (1) of Law Number 35 T amendment to Law Number 23 of 2002 concerning Child Protection is not specifically regulated in the Law (Law Number 35 of 2014 on the Amendment of Law Number 23 of 2002 on Child Protection, 2014). Referring to the meaning of these words according to the general Indonesian dictionary by (Poerwadarminta, 2005) as follows:

- 1) Coercion is treating such as ordering, asking and so on by force;
- 2) Deception is an act or word that is dishonest (lying, coercion, and so on) with the intention of misleading, outsmarting, making a profit;
- 3) A series of lies, namely his actions are not in accordance with the actual things (circumstances and so on);
- 4) Persuading is using sweet words with the intention of captivating, deceiving and so on.

## **THE PSYCHOLOGICAL IMPACT ON CHILDREN DUE TO THE DECISION TO ACQUIT THE CRIME OF MOLESTATION AGAINST CHILDREN IS LINKED TO THE CHILD PROTECTION LAW**

The main difficulty in sexual harassment cases is to present at least 2 (two) witnesses in the case process. Because in general, perpetrators commit sexual harassment in a limited and closed environment. If the evidence presented at the trial is not strong enough, then the panel of judges can impose a free verdict against the perpetrator. As a result of the free verdict, children as victims of sexual violence experience psychological impacts, physical impacts, and social impacts that can hinder children's growth and development (Erlita, 2007).

- 1) These psychological impacts include (Handayani et al., 2020):
  - a. Trauma that hits children victims of sexual violence and tends to be prolonged.
  - b. Children who are victims of sexual violence also have the potential to develop negative attitudes towards themselves, feel inferior, and experience excessive feelings of inferiority.
- 2) The physical impact that can hit the child of a victim of sexual violence is the transmission of sexually transmitted diseases.
- 3) The social impact is that children of victims of sexual violence have the potential to be excluded from the environment and their friends.

Children who are victims of abuse, their souls are filled with resentment, anger, and hatred that was previously only directed at the person who did it and then spread to other objects or people. In addition, it can also cause deep trauma to the victim (Marques et al., 2020). When physical danger threatens the body's authority, the ability to escape is an instinct that cannot be controlled as a form of self-defense. In some extreme cases, child abuse can

cause prolonged depression and lead to suicide. Therefore, children who are victims of sexual violence must get legal protection.

Victims who are the parties who suffer the most from a criminal act do not get more protection provided by law against criminal offenders (Law Number 11 of 2012 on the Juvenile Criminal Justice System, 2012). Protecting children legally means ensuring their rights, freedoms, and various interests are defended by the law. One of the violence experienced by children is sexual violence. Talking about sexual crimes, nowadays sexual crimes are rampant everywhere, causing concern for parents about their children, especially those who have daughters. Cases of sexual abuse experienced by children will cause losses both in the long and short term, the impact that occurs on victims of sexual crimes usually causes psychological, emotional, and traumatic disorders. Related to this, the need for the assistance of a psychologist to eliminate the feelings of trauma that exist in the defendant. In order to be more intensive, a child also needs to be accompanied by parents so that the child feels safer.

The state's and government's implementation of child protection is clearly outlined in Articles 21 to 25 of Law Number 35 of 2014, which detail the obligations and responsibilities they must uphold. The law mandates that the state must ensure the respect and fulfillment of children's rights, without discrimination based on ethnicity, religion, race, group, gender, culture, language, legal status, birth order, or physical and/or mental condition. This commitment is specified in Article 21, paragraph (1). Additionally, the government is tasked with providing the necessary facilities, infrastructure, and human resources to effectively support child protection efforts, as detailed in Article 22. Moreover, the state is responsible for ensuring the protection, care, and overall welfare of children, while also considering the rights and duties of parents, guardians, or others who have legal responsibility for the child, as outlined in Article 23, paragraph (1). The law further emphasizes the importance of allowing children to exercise their right to express their thoughts, in a manner that is appropriate to their age and level of mental maturity, as specified in Article 24. These provisions collectively highlight the comprehensive approach required to safeguard the well-being and rights of children, ensuring that their voices are heard and their needs are met in all aspects of life.

Law Number 35 of 2014, which amends Law No. 23 of 2002, outlines in Article 59 the responsibility to ensure special protection for children who are in particularly vulnerable situations. This protection extends to children in emergency situations, those who are in conflict with the law, and children who belong to minority and marginalized groups. It also covers children who are subjected to economic or sexual exploitation, as well as infants who suffer from the harmful effects of narcotics, alcohol, psychotropic substances, and other addictive substances. Furthermore, the law provides for the protection of children who have been exploited in pornography, those living with HIV/AIDS, and children who are victims of kidnapping, sale, or trafficking. Additionally, it addresses the needs of children who have suffered from physical or psychological violence, sexual crimes, or involvement in terrorism networks. Special attention is also given to children with disabilities, those who have been mistreated or neglected, children exhibiting deviant social behavior, and those who face stigmatization due to the conditions or actions of their parents. This comprehensive approach underscores the importance of safeguarding the rights and well-being of all children, particularly those facing significant challenges or threats.

Based on Law Number 35 of 2014, it is appropriate and very important to protect children as victims of crime because the basic principles of protection for children as victims of crime refer to the violation of the victim's human rights. From the elaboration of the law, it can be seen that there are various forms of legal protection for children who are victims of crime, but in cases where the perpetrator is ruled free, the form of protection for the victim's child is not given. Only efforts to protect identity from identity reporting through the mass media and to avoid labeling are obtained by the victim's witness's child. Even though the consequences of these actions must cause feelings of shame, sadness, and trauma to the child as a victim. Therefore, it is necessary to carry out rehabilitation to eliminate the trauma experienced by the child who is a victim.

Each court decision must contain the basis and reasons for the award. In addition, articles of laws and regulations contained in the indictment or unwritten legal source, which are imposed on the defendant, must be included. This is as recorded in the provisions of Article 25 paragraph (1) of Law number 48 of 2009 concerning judicial power which reads:

"All besides outlining the key reasons for a court decision, the judgments also refer to particular articles of applicable laws and regulations or other legal sources that are used as the basis for the decision for adjudicating."

A proper and quality decision should contain three elements, namely justice, certainty, and utility. This is as stated by Gustav Radbruch as cited in Maulana (2023) that, ideally, a decision should contain *idee des recht*, namely justice (*Gerechtigkeit*), legal certainty (*Rechtsicherheit*), and usefulness (*Zweckmassigkeit*), these three elements should be considered by the judge with a proportionate level so as to give birth to a quality verdict and meet the expectations of justice seekers. Court decisions that prioritize the element of justice in the consideration of the verdict rather than the element of legal certainty still raise many questions, because the justice in question is only justice for the perpetrator, not for the wider community or the state. In addition to providing a deterrent effect, the decision that provides legal certainty can be said to be the purpose of creating a child protection law is to ensure the fulfillment of the rights to survival, growth and development, protection and participation of children. And there has been a special minimum criminal threat that people should not commit sexual abuse because they know the criminal threat that will be given for the acts they have committed.

According to the author, if the act has been regulated in the law, then the judge must impose a criminal sentence in accordance with the provisions of the law. Based on the description above, the imposition of a free verdict against the perpetrator is inappropriate and not in line with the government's spirit to strive to eradicate moral crimes against children, especially obscenity crimes. Considering that this crime is one of the serious crimes, it must be handled seriously and seriously, especially since the victim is a child. Sexual violence against children will hurt the development and growth of the child himself. Children who experience sexual violence without any countermeasures make children able to withdraw from their environment. They will feel threatened because they are afraid and feel the least happy among their friends. They also become quiet and can find it difficult to trust others and close themselves off from society.

Law Number 48 of 2009 concerning Judicial Power mandates that judges must exercise thorough consideration when rendering decisions, ensuring precision in every aspect, both formal and material. This requires not only caution but also a high level of technical expertise to avoid even the smallest errors. Judges are expected to provide well-reasoned judgments that reflect fairness and justice for both the defendant and the victim when delivering a verdict in a criminal case. Child protection is a crucial measure of the civilization of any society or nation. It is our collective responsibility to ensure the comprehensive development of every child by providing protection and support in line with our capabilities and specific circumstances. Child protection is legally established in Law Number 35 of 2014, particularly in Article 1, Clause 2, which defines it as all efforts to ensure and protect children's rights. These efforts are aimed at allowing children to live, grow, develop, and participate fully, in accordance with their inherent dignity and humanity, while also shielding them from violence and discrimination.

In light of these principles, those who commit acts of molestation against children must receive punishments that reflect the severity of their crimes. Such penalties are necessary to uphold the principles of child protection and to reinforce the importance of safeguarding children from harm. Every child from the womb, has the right to live, improve his standard of living and maintain his life. Ignoring and not strengthening child protection is something that cannot be accounted for. Lack of attention and not implementation of child protection will have very detrimental consequences for ourselves in the future. In a broad sense and in essence, it is contrary to Pancasila and the Constitution in general and the provisions of Law number 35 of 2014 concerning Child Protection in particular.

Children's rights are enshrined both in the 1945 Constitution and in the United Nations Convention on the Rights of the Child. From the viewpoint of national and state responsibility, children represent the future of the nation, making it imperative to safeguard their well-being. Every child is entitled to fundamental rights, including the right to life, the opportunity for growth and development, the ability to participate in society, and protection from violence and discrimination. Furthermore, children are guaranteed civil rights and freedoms, ensuring that their voices are heard and respected within the community. These rights are not just legal obligations but moral imperatives to ensure that children can thrive as future leaders and contributors to society. Child protection is a very important thing to be carried out in a narrow sense to realize better growth and development of children and in a broad sense to participate in supporting development, because children are an asset for Indonesia's development. The form of child protection is not only in legislation but must be based on real actions and applications. Thus, the judge's decision to acquit the perpetrator of the abuse is contrary to the spirit and provisions in the law on Child Protection, because the judge does not consider the victim's condition as a category of children who need protection.

#### **IV. CONCLUSION**

The study concludes that the regulation of criminal acts of molestation is established within both the Criminal Code and specific laws concerning child protection. Key articles in the Criminal Code, such as Articles 290, 292, 293, 294, and 295, outline various penalties depending on the nature of the crime and the relationship between the perpetrator and the victim. Additionally, Law Number 35 of 2014 concerning Child Protection, particularly Articles 76D and 76E, provides strict prohibitions against violence or threats of violence towards children, with severe sanctions for violations. These legal frameworks demonstrate the state's commitment to protecting children from sexual exploitation. However, the study reveals that when courts issue acquittal verdicts in cases of child molestation, the psychological impact on the child can be profound and long-lasting. Children may suffer from severe mental distress, physical harm including the risk of sexually transmitted diseases, and social stigmatization, potentially leading to exclusion from their communities.

The findings suggest that while Indonesia's legal provisions are robust in theory, the application of these laws—particularly in cases where acquittals occur—may not align with the intended protection of children. This discrepancy highlights the need for a more sensitive and holistic approach to adjudicating cases of sexual violence against children. The involvement of psychologists in the legal process is crucial to ensure the child's well-being is considered, and court decisions should be grounded in justice, legal certainty, and the broader societal good. Ultimately, the research underscores the importance of aligning legal decisions with the protective spirit of child protection laws to ensure that the rights and dignity of child victims are upheld.

#### **REFERENCES**

- Chazawi, A. (2005). *Tindak Pidana Mengenai Kesopanan*. PT. Raja. Grafindo Persada.
- Erlita, B. (2007). *Studi kasus tentang dampak psikologis anak korban pelecehan dalam keluarga*. Universitas Sanata Dharma.
- Hamzah, I. V. P. (2018). Pembinaan Pelaku Pencabulan yang Korbannya Anak (Studi di Lembaga Pembinaan Khusus Anak di Blitar). *Res Judicata*, 1(2), 106.
- Handayani, Wati, & Fauzy, R. (2020). Dampak Psikologis dan Sosial dari Kekerasan Seksual pada Anak. *Res Judicata*, 12(4), 145.
- Machmud, H., Abidin, A., Alim, N., Fatimah Kadir, St., & Yahya Obaid, Moh. (2022). Rape by Blood Relatives: A Study of Children as Subjects of Sexual Assault. *KnE Social Sciences*, 368–378. <https://doi.org/10.18502/kss.v7i8.10756>
- Marques, N. M., Belizario, G. O., Rocca, C. C. de A., Saffi, F., de Barros, D. M., & Serafim, A. de P. (2020). Psychological evaluation of children victims of sexual abuse: development of a protocol. *Heliyon*, 6(3), e03552. <https://doi.org/10.1016/j.heliyon.2020.e03552>

- Maulana, A. (2023). PENETAPAN PERMOHONAN WALI ADHAL PERSPEKTIF IDEE DES RECHT GUSTAV RADBRUCH DI INDONESIA. *JIL: Journal of Indonesian Law*, 4(1), 48–69. <https://doi.org/10.18326/jil.v4i1.1002>
- Poerwadarminta, W. J. S. (2005). *Kamus Umum Bahasa Indonesia* (3rd ed.). Balai Pustaka.
- Rachmawati. (2023, August 17). *Saya Ingin Keadilan yang Seadil-adilnya untuk Anak Saya*. Kompas.Com.
- Rahayu, W. (2013). . *Tindak Pidana Pencabulan (Studi Kriminologis Tentang Sebab-Sebab Terjadinya Pencabulan Dan Penegakan Hukumnya Di Kabupaten Purbalingga)*. Universitas Jenderal Sudirman.
- Soesilo, R. (1996). *Kitab Undang-Undang Hukum Pidana (KUHP) Serta Komentari-Komentarnya Lengkap Pasal Demi Pasal*. Politeia.
- Undang-Undang (UU) Nomor 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak, Pub. L. No. 11 (2012).
- Undang-Undang (UU) Nomor 35 Tahun 2014 Tentang Perubahan Atas Undang-Undang Nomor 23 Tahun 2002 Tentang Perlindungan Anak, Pub. L. No. 35 (2014).