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Aisha Salsabila  
Law Faculty  
Swadaya Gunung Jati  
University

Desta Dwi Alfian  
Law Faculty  
Swadaya Gunung Jati  
University



Ilham Shofil Fuadi  
Law Faculty  
Swadaya Gunung Jati  
University

Galang Rasyiq Suyudi  
Law Faculty  
Swadaya Gunung Jati  
University



Farhan Haban Nugraha  
Law Faculty  
Swadaya Gunung Jati  
University

Salma Nur Khalisha  
Law Faculty  
Swadaya Gunung Jati  
University



Mufid Zulkifli  
Law Faculty  
Swadaya Gunung Jati  
University

Singgih Wibisono  
Law Faculty  
Swadaya Gunung Jati  
University



## OBSTACLES FOR INVESTIGATORS IN THE INVESTIGATION OF CHILD ABUSE CRIMES AT THE CIREBON POLICE

Aisha Salsabila <sup>1</sup>, Desta Dwi Alfian <sup>2</sup>, Ilham Shofil Fuadi <sup>3</sup>, Galang Rasyiq Suyudi <sup>4</sup>,  
Farhan Haban Nugraha <sup>5</sup>, Salma Nur Khalisha <sup>6</sup>, Mufid Zulkifli <sup>7</sup>, Singgih Wibisono <sup>8</sup>

<sup>1</sup> Law Faculty, Swadaya Gunung Jati University, Cirebon. Indonesia.  
E-mail Aishasalsabilaaaa@gmail.com

<sup>2</sup> Law Faculty, Swadaya Gunung Jati University, Cirebon. Indonesia.  
Email destadwialfian13@gmail.com

<sup>3</sup> Law Faculty, Swadaya Gunung Jati University, Cirebon. Indonesia. Email ilhamshofil3@gmail.com

<sup>4</sup> Law Faculty, Swadaya Gunung Jati University, Cirebon. Indonesia.  
Email galangrasyiqsuyudi@gmail.com

<sup>5</sup> Law Faculty, Swadaya Gunung Jati University, Cirebon. Indonesia.  
Email farhanhabannugraha@gmail.com

<sup>6</sup> Law Faculty, Swadaya Gunung Jati University, Cirebon. Indonesia.  
Email salmanurkhalisa046@gmail.com

<sup>7</sup> Law Faculty, Swadaya Gunung Jati University, Cirebon. Indonesia.  
Email Mufidzulkifli24@gmail.com

<sup>8</sup> Law Faculty, Swadaya Gunung Jati University, Cirebon. Indonesia.  
Email Singgih.wibisono1844@gmail.com

**Abstract:**

**Background.** Children who are victims of sexual violence are at risk of mental disorders, difficulties in social interactions, and the tendency to become perpetrators of abuse in the future. Children are vulnerable to crime no matter where they are, as abuse can also occur in a variety of environments, including family environments, educational institutions, offices, public places, or even the safest places, such as Islamic boarding schools

**Aims.** The purpose of this research is to determine the challenges associated with providing legal protection for children who commit sexual assault at Polresta Cirebon while the investigation is ongoing. This normative legal study aims to make choices and settle disputes.

**Methods.** Two methods of gathering data are researching the literature and conducting interviews. The data is analyzed using qualitative data analysis.

**Result.** According to the study's findings, child investigators continue to encounter several challenges when implementing legal protection for children who engage in sexual abuse, including a shortage of child investigators, a lack of supporting documentation, and the absence of a safe house at Polresta Cirebon for investigative purposes.

**Conclusion.** As a solution, this study recommends increasing the number of investigators trained to handle cases of violence against children, the construction of special facilities such as *safe houses*, and advanced training for investigators in handling child abuse cases professionally.

**Implementation.** Thus, success in handling the crime of child abuse depends not only on existing regulations but also on the readiness of human resources, the availability of supporting facilities, and the ability of law enforcement officials to respond to each case quickly, appropriately, and favorably for the victim. Efforts to increase the capacity of investigators and construct supporting facilities such as *safe houses* are strategic steps in realizing a more effective and equitable child protection system.

**Keywords:** Children, Investigation Barriers, Obscenity

## INTRODUCTION

Referring to the General Dictionary of the Indonesian Language, the definition of a child is defined as a human being who is still a child or an immature human being.<sup>1</sup> According to R.A. Kosanan, "children are young human beings at a young age in their soul and life journey because they are easily influenced by the surrounding circumstances".<sup>2</sup>, according to Article 1 number 1 of Law No. 23 of 2002, "*a child is a person who is not yet 18 (eighteen) years old, including a child who is still in the womb*".<sup>3</sup> So, children are given special attention to avoid unwanted things beyond our control.

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<sup>1</sup> "W.J.S. *Poerwadarminta, General Dictionary of the Indonesian Language*, (Balai Pustaka: Amirko, 1984), p. 25"

<sup>2</sup> R. A. Koesnoen, *Criminal Composition in the Socialist State of Indonesia*, 1964.

<sup>3</sup> "Law No. 23 of 2002, Regulatory Database | JDIH BPK, accessed March 5, 2025, <http://peraturan.bpk.go.id/Details/44473/uu-no-23-tahun-2002>".

Various prevention and handling efforts by the government and related agencies. However, the number of violence against children continues to increase from year to year, in Indonesia alone there are 15,267 cases of child molestation and violence, an increase of 34% from the previous year.<sup>4</sup> Throughout 2024, there will be 69 cases handled by the Cirebon Regency PPA unit.<sup>5</sup> This remains a concern because there are still many cases of abuse that occur.

Cases of sexual violence not only cause physical impacts, but also deep psychological trauma can affect the social and emotional development of children until adulthood.<sup>6</sup> Children who are victims of sexual violence are at risk of mental disorders, difficulties in social interactions, and the tendency to become perpetrators of abuse in the future. Children are vulnerable to crime no matter where they are, as abuse can also occur in a variety of environments, including family environments, educational institutions, offices, public places, or the safest places such as Islamic boarding schools.<sup>7</sup>

The legal protection of children victims of sexual violence is a very important issue. The State is responsible for providing maximum protection through the regulation of Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection, Law No. 17 of 2016 concerning the Stipulation of Government Regulations in Lieu of Law No. 1 of 2016 concerning the Second Amendment to Law No. 23 of 2002 concerning Child Protection into Law.<sup>8</sup> As stipulated in Article 81 jo Article 76D and Article 82 jo Article 76E, that Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection stipulates severe criminal sanctions on perpetrators.<sup>9</sup>

The role of Law No. 23 of 2002 concerning Child Protection, Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection, Law No. 17 of 2016 concerning the Stipulation of Government Regulations instead of Law No. 1 of 2016

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<sup>4</sup> afra Hanifah Inscription, "Indonesian Child Violence Reaches 15,267 Cases in 2024, GoodStats, accessed March 5, 2025, <https://goodstats.id/article/angka-kekerasan-anak-di-indonesia-capai-15267-kasus-pada-2024-vV8iu>".

<sup>5</sup> Cirebon Police PPA Unit

<sup>6</sup> Yunita Adinda Wulandari and Yusuf Saefudin, "Psychological And Social Impacts On Victims Of Sexual Violence: A Victimization Perspective, *Journal of Education and Teaching Review (JRPP)* 7, no. 1 (January 8, 2024): 296–302, <https://doi.org/10.31004/jrpp.v7i1.23623>".

<sup>7</sup> Rawendra Ahmad Fauz, "Sexual Violence in Islamic Boarding Schools from a Gender Perspective, *Ma'mal: Journal of Sharia and Law Laboratory* 4, no. 5 (October 10, 2023): 464–84, <https://doi.org/10.15642/mal.v4i5.286>".

<sup>8</sup> "Law No. 17 of 2016, Regulation Database | JDIH BPK, accessed March 6, 2025, <http://peraturan.bpk.go.id/Details/37575/uu-no-17-tahun-2016>".

<sup>9</sup> "Law No. 35 of 2014," Regulation Database | JDIH BPK, accessed March 6, 2025, <http://peraturan.bpk.go.id/Details/38723/uu-no-35-tahun-2014>.

concerning the Second Amendment to Law No. 23 of 2002 concerning Child Protection into Law, and Law No. 12 of 2012 concerning the Crime of Sexual Violence (TPKS) is very important to provide legal protection for children and women from sexual violence. Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection establishes severe sanctions for perpetrators of sexual violence against children and guarantees victims' rights, including access to rehabilitation. Law No. 17 of 2016 concerning the Stipulation of Perpu No. 1 of 2016 concerning the Second Amendment to Law No. 23 of 2002 concerning Child Protection becomes a law emphasizing comprehensive protection and community participation in creating a safe environment for children.<sup>10</sup> Meanwhile, Law No. 12 of 2012 concerning TPKS, which was passed in 2022, expands the definition of sexual violence and establishes strict sanctions for perpetrators, as well as regulates protection mechanisms for victims more completely.<sup>11</sup> These three Laws complement each other to create a better system of protection. The agency that handles child molestation cases is the Police.<sup>12</sup> The police play an important role in tackling child abuse cases because of the high rate of sexual violence against children in the community. The police not only function as law enforcers, but the institution is responsible for protecting and supporting victims. The police also have a strategic role in optimal investigations, collecting evidence, and collaborating with child protection institutions and the community to make the environment safe for children.<sup>13</sup>

In proving criminal cases, witness testimony plays an important role.<sup>14</sup> Because often cases do not have clear physical evidence and witnesses are the only source of information that reveals the true events. However, there are many obstacles faced in collecting witness statements.

First, the victim as a witness (victim witness) is a person who is directly a victim of the criminal event that occurred. Victim witnesses often experience trauma due to the events they experience, especially in cases of molestation and sexual intercourse. The shame and

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<sup>10</sup> "Law No. 17 of 2016."

<sup>11</sup> "Law No. 12 of 2022," Regulation Database | JDIH BPK, accessed March 6, 2025, <http://peraturan.bpk.go.id/Details/207944/uu-no-12-tahun-2022>.

<sup>12</sup> Alinea, "PPA Unit Collaboration: Handling the Importance of Women and Children, <https://www.alinea.id>, accessed March 20, 2025, <https://www.alinea.id/nasional/kolaborasi-unit-ppa-penanganan-penting-perempuan-dan-anak-b1ZT49xdz>".

<sup>13</sup> Dian Purwanto, "The Functions and Duties of the Cyber Investigation Branch of the National Police," Popular News of Policeku, February 9, 2024, <https://polrnews.com/2024/02/09/fungsi-dan-tugas-ditipidsiber-bareskrim-polri/>.

<sup>14</sup> Erlyta Azizka Septiana and Subekti, "Obstacles To The Implementation Of Legal Protection For Children Of Perpetrators Of Criminal Acts Of Abuse At The Karanganyar Police," *Recidive: Journal of Criminal Law and Crime Prevention* 10, no. 3 (January 27, 2022): 183, <https://doi.org/10.20961/recidive.v10i3.58958>.

psychological trauma experienced by the victim can certainly hinder the investigation process, because in the investigation process real information is needed.<sup>15</sup> In some cases, the victim's memory can also be blurred or distorted by the trauma they have experienced, making it difficult for investigators to get an accurate picture of the event.

In this context, the role of law enforcement officials, especially investigators at the Cirebon Police, is very important to investigate this case optimally, so that justice for the victims can be realized.

This research aims to analyze the case file at the Cirebon Police in order to understand the legal process applied, identify the obstacles faced in efforts to criminalize perpetrators. This study is important considering that the protection of children as victims of sexual crimes requires a responsive and fair legal system. By analyzing data from the case file, this study hopes to provide recommendations to improve law enforcement mechanisms, ensure maximum protection for victims, and create a deterrent effect for perpetrators. Through a case study approach, this research is expected to contribute significantly to the development of criminal law science, in the context of protecting children from sexual crimes.

1. How can the imbalance in the number of child investigators with the increase in cases against children affect the rights of children protected by Law No. 35 of 2014 Articles 76D and 76E?
2. What are the obstacles for investigators when proving the crime of sexual intercourse and child molestation?

## **LITERATURE REVIEW**

### **The Definition of Children and Their Protection in Law**

Based on the provisions of Article 1 number 1 of Law Number 23 of 2002 which has been updated through Law Number 35 of 2014, children are defined as individuals who have not reached the age of 18 years, including babies in the womb. The protection of children, especially related to acts of sexual violence, is affirmed through Articles 76D and 76E of Law No. 35 of 2014, which expressly prohibit all forms of sexual violence against children.

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<sup>15</sup> Septiana and Subekti.

Aisha Salsabila

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## Sexual Violence Against Children as a Legal and Social Problem

Based on a GoodStats report, the number of cases of violence against children has increased significantly to reach 15,267 cases in 2024. This fact underscores the importance of implementing more effective and responsive legal protection for children.<sup>16</sup> The impact of this violence is not only physical, but also psychological, and has the potential to create a new cycle of violence (Wulandari & Saefudin, 2024).<sup>17</sup>

### The Role of Investigators in Legal Proceedings

According to Article 1 number 1 of the Criminal Procedure Code (KUHAP), an investigation is a series of actions carried out to obtain evidence to explain the crime and identify the perpetrator. When the victim is a child who has experienced sexual violence, the investigation process often faces obstacles, especially in digging up information from children as witnesses, which are generally hampered by psychological conditions such as trauma and shame (Margaretha, 2022).<sup>18</sup>

### Obstacles to Investigation in Child Abuse Cases

The results of the study show that the investigation process at the Cirebon Police still faces a number of main obstacles, including the limited number of special investigators for children which is not proportional to the increasing number of cases, the lack of forensic evidence such as *Visum et Repertum* which should be carried out as soon as possible after the incident, and the lack of *safe houses* as a shelter for victims and witnesses who are vulnerable to feeling threatened during the investigation process.

A study conducted by Septiana and Subekti (2022) in the Karanganyar Police area also found similar challenges, including the limited number of investigators who have special expertise in handling children, the unpreparedness of victims in giving statements, and the lack of synergy between agencies in the case handling process.<sup>19</sup>

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<sup>16</sup> HANIFAH PRASASTISIWI, "Indonesian Child Violence Reaches 15,267 Cases in 2024."

<sup>17</sup> Wulandari and Saefudin, "PSYCHOLOGICAL AND SOCIAL IMPACT ON VICTIMS OF SEXUAL VIOLENCE."

<sup>18</sup> Margaretha, "Psychological Dynamics of Victims and Witnesses in Giving Testimony: Justice for Trauma or Trauma due to Justice?," *Forensic Psychology and Psychopathology* (blog), December 22, 2022, <https://psikologiforensik.com/2022/12/22/dinamika-psikologi-korban-dan-saksi-dalam-memberikan-kesaksian-peradilan-atas-trauma-atau-trauma-karena-peradilan/>.

<sup>19</sup> Septiana and Subekti, "Obstacles To The Implementation Of Legal Protection For Children Of PerpetrATORS Of Criminal Acts Of Abuse At The Karanganyar Police."

## **METHODS**

### **Research Type**

According to Soerjono Soekanto, legal research is a type of scientific research that focuses on method, systematic, and thinking with the aim of studying one or several symptoms that are common in a particular law through its analysis, as well as an in-depth examination of legal facts, before reaching a solution to the problem.<sup>20</sup>

Normative legal research is a type of research or author's approach. This research aims to determine whether the current rules, standards, and regulations are consistent with legal principles.<sup>21</sup> This research will examine the subject matter of the problem by the scope and identification of the problem with the Law approach, namely, looking at and analyzing regulations related to the problem being studied.

### **Data Sources**

The data sources used are secondary data (data from literature studies), such as the 1945 Constitution, Law No. 8 of 1981 concerning the Criminal Procedure Code, Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection, Law No. 17 of 2016 concerning the Stipulation of Perpu No. 1 of 2016 concerning the Second Amendment to Law No. 23 of 2002 concerning Child Protection into Law, Law No. 12 of 2012 concerning TPKS, and TPKS 11 of 2012 concerning the Juvenile Criminal Justice System.

### **Data Collection Techniques**

Primary data were collected through interviews at the Cirebon City Resort Police, and secondary data were collected through document studies. After all the data is collected, it is analyzed using a qualitative approach, using normative logical analysis techniques (according to logic and law).<sup>22</sup>

## **DISCUSSION**

The imbalance between the number of child investigators and the increase in cases of violence against children in the Cirebon Police has a significant impact on the protection of children's rights in Articles 76D and 76E of Law No. 35 of 2014 concerning Child Protection.

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<sup>20</sup> Zainuddin Ali, *Legal Research Methods* (Sinar Grafika, 2021).

<sup>21</sup> admin, "Empirical and Normative Legal Research Methods," Thesis and Thesis Services 0852-2588-7747 (WA), January 21, 2013, <https://idtesis.com/metode-penelitian-hukum-empiris-dan-normatif/>.

<sup>22</sup> admin.

There is a prohibition in Article 76D aimed at protecting children's rights, namely "*prohibiting everyone from committing violence or threats of violence to force children to have intercourse*," while in Article 76E *prohibits obscene acts against children*".<sup>23</sup>

In 2024, there will be 69 cases handled by the Cirebon Regency PPA unit.<sup>24</sup> This remains a concern because there are still many cases of abuse that occur. This increase shows the urgency of effective handling of these cases.

The shortage of child investigators certainly has an impact on the handling of cases as well as, *first*, due to the limited number of investigators, the investigation and investigation process can experience obstacles. *Second*, when investigators handle too many cases at the same time, they will have difficulty giving each case their full attention. *Third*, victims of child violence need immediate and appropriate handling so that the psychological impact they feel can be minimized. If the investigation is slow, the trauma experienced by the child can be more severe and risk hindering their mental and emotional recovery process. *Fourth*, children who are victims of violence require special protection from various parties, including law enforcement officials. If the investigation is not carried out optimally, the perpetrator has the potential to remain free, so that it can pose further threats to victims and other children. This can lead to a decrease in the quality of the investigation as well as increase the risk of errors in the case handling process. As a result, victims have to wait longer to get justice, which risks prolonging the suffering they experience. slow or less than optimal, so that the rights of victims are not well protected.<sup>25</sup> Delays in the investigation process can prolong the trauma experienced by children and hinder their recovery process.

To overcome these problems, of course, several solutions are needed to be implemented. *First*, by increasing the number of investigators specially trained to handle cases of violence against children, so that investigations run faster and optimally, and children's rights are also protected in accordance with the provisions of the law.<sup>26</sup> *Second*, building special facilities for handling cases of crimes against women and children as well as an integrated building. This goal is to improve coordination between related agencies, such as the police, health services,

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<sup>23</sup> "Putry Alviani Reihan, Mohamad Rusdiyanto U Puluhulawa, and Jufryanto Puluhulawa, "Discourse on Children with Mental Disorders as Victims of Sexual Violence in the Periscope of Law Enforcement," *Democracy: Journal of Legal, Social and Political Research* 1, no. 2 (March 8, 2024): 31–44, <https://doi.org/10.62383/demokrasi.v1i2.102>.

<sup>24</sup> Cirebon Police PPA Unit

<sup>25</sup> Septiana and Subekti, "OBSTACLES TO THE IMPLEMENTATION OF LEGAL PROTECTION FOR CHILDREN OF PERPETRATORS OF CRIMINAL ACTS OF ABUSE AT THE KARANGANYAR POLICE."

<sup>26</sup> Cirebon Police PPA Unit

and psychological services. To support this effort, of course, there must be collaboration from the Cirebon district government and related institutions so that it can be realized quickly. *Third*, providing special training to investigators on handling cases of violence against children. The goal is so that the competence of investigators can improve in handling these cases professionally. In addition, there is a need to increase public awareness about the importance of child protection through socialization and education that can prevent violence and encourage rapid case reporting.

The disparity between the number of child investigators and the increase in cases of violence against children in the Cirebon Police is a big challenge in ensuring the protection of children's rights. The limited number of investigators has an impact on the slow handling of cases, the increased workload of investigators, and the prolonged trauma experienced by victims. To overcome this problem, concrete steps are needed such as adding investigators, building special facilities, providing training for investigators, and increasing public awareness of this issue. In addition, synergy between agencies and strict law enforcement is also an important factor in ensuring that every child receives protection in accordance with the provisions of the law.

By implementing these various solutions, it is hoped that the handling of cases of violence against children in Cirebon Regency can be more optimal, so that children's rights are guaranteed and the number of violence against children can be minimized.

1. According to the Criminal Code, an investigation is the action of investigators to search and collect evidence to find suspects and reveal the criminal acts that occurred.<sup>27</sup> Investigation after a report, complaint, or allegation of a criminal act. Investigation is regulated by Article 1 number 1 of the Criminal Code, which: "*Investigation is a series of actions by investigators in the case and in the manner regulated in this law to seek and collect evidence that with that evidence sheds light on the criminal act that occurred and finds the suspect.*" That is why<sup>28</sup>

According to Article 184 of the Criminal Code, proof is a series of activities to find valid and comprehensive evidence to prove the truth of the facts in a criminal case, either to support the accusation against a defendant or to prove that a criminal act did not occur.

There are 5 valid evidence in criminal cases, namely witness testimony, expert testimony,

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<sup>27</sup> "Law No. 8 of 1981," Regulation Database | JDIH BPK, accessed March 21, 2025, <http://peraturan.bpk.go.id/Details/47041/uu-no-8-1981>.

<sup>28</sup> "Law No. 8 of 1981."

letters, instructions, and defendant's statements.<sup>29</sup> The evidence obtained in an investigation process must be valid, meaning that it must be obtained in a manner that is in accordance with the applicable legal provisions. If any evidence is obtained illegally, such as through torture, unauthorized searches, or other deviations of legal procedure, it may be considered invalid and should not be used to prove a case. This principle is stated in Article 5 paragraph (1) of Law No. 8 of 1981 concerning the Criminal Code, which states that all actions taken by investigators to obtain evidence must comply with applicable legal rules.<sup>30</sup>

In proving cases of child molestation and sexual intercourse, investigators collected evidence ranging from witness statements to clues. In laws and regulations, namely Article 1 number 26 of the Criminal Code, a witness is a person who can provide information for the purposes of investigation, prosecution, and justice about a criminal case that he hears, sees, or experiences himself.<sup>31</sup> Witness statements are divided into 3 main categories, namely victim witnesses, victims' parents and related witnesses.<sup>32</sup> In proving criminal cases, witness testimony plays an important role.<sup>33</sup> Because often cases do not have clear physical evidence and witnesses are the only source of information that can reveal the true events. However, there are many obstacles faced in collecting witness statements.

First, the victim as a witness (victim witness) is a person who is directly a victim of the crime that occurred. Victim witnesses often experience trauma due to the events they experience, especially in cases of molestation and sexual intercourse. In cases involving children, there are often psychological or social difficulties for the child to undergo a medical examination. The shame and psychological trauma experienced by the victim can certainly hinder the investigation process, because in the investigation process real information is needed.<sup>34</sup> In some cases, the victim's memory can also be blurred or distorted by the trauma they have experienced, making it difficult for investigators to get an accurate picture of the event. Pressure or influence from other parties (e.g. the perpetrator's family or the community) can affect the victim's statement, especially in cases involving close family members or people

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<sup>29</sup> "Law No. 8 of 1981."

<sup>30</sup> "Law No. 8 of 1981."

<sup>31</sup> "Law No. 8 of 1981."

<sup>32</sup> Hukumonline Team, "Getting to Know the 8 Types of Witnesses in Criminal Procedure Law," [hukumonline.com](https://www.hukumonline.com/berita/a/mengenal-8-jenis-saksi-dalam-hukum-acara-pidana-lt629444af59b56/), accessed March 21, 2025, <https://www.hukumonline.com/berita/a/mengenal-8-jenis-saksi-dalam-hukum-acara-pidana-lt629444af59b56/>.

<sup>33</sup> Hukumonline.

<sup>34</sup> Rendra Topan, "Protection of Witnesses and Victims in Indonesia, Indonesian Positive Law, July 20, 2020, <https://rendratopan.com/2020/07/20/perlindungan-saksi-dan-korban-di-indonesia/>."

who have power or influence over the victim. To overcome this problem, of course, a solution is presented, namely by building a "*Safe House*" facility.<sup>35</sup> One of the purposes of this *safe house* is to provide protection to victims who receive threats or feel unsafe while in their own homes.

Statement of the victim's parents, The victim's parents (or guardians) can be witnesses in cases involving children or people with disabilities. The victim's parents' statements can be in the form of observations of the victim's condition after the incident, whether there is a change in behavior or not, changes in physical signs, or the existence of psychological problems experienced by the victim or not. however, the parents' testimony is often emotionally attached to their child, this can obscure the objectivity of the victim's parents in providing information. The victim's parents may give more biased or not fully objective testimony because of the emotional bond with their child.<sup>36</sup>

A witness who sees or hears is a person who directly witnesses or hears a conversation, threat, or statement that could help prove a criminal event. These witnesses often provide valuable information in confirming or refuting stories from other parties (including victim witnesses). while witnesses who can be used as clues are people who are not directly involved or witness the incident, but provide relevant information or clues to reveal more about the criminal event.<sup>37</sup> For example, witnesses who know the habits of the perpetrator, the relationship between the perpetrator and the victim, or the locations that are appropriate for the case.

However, witness statements who saw or heard events were sometimes not complete or clear enough. Witnesses who only saw part of the event or heard incomplete information often gave limited or not completely accurate testimony. In some cases, relevant witnesses may provide information that is mixed with personal conjectures or opinions that may lead to inaccurate testimony. Witnesses can also be affected by pressure or threats from the parties involved in the case, which can affect the accuracy of their testimony. Accordingly, the testimony of relevant witnesses should be obtained accurately, objectively, and clearly, and the witness must be free from outside influences or pressure from certain parties.<sup>38</sup> Witnesses must

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<sup>35</sup> PPA Unit of the Corebon Police

<sup>36</sup> Margaretha, "Psychological Dynamics of Victims and Witnesses in Giving Testimony: Justice for Trauma or Trauma due to Justice?", *Forensic Psychology and Psychopathology* (blog), December 22, 2022, <https://psikologiforensik.com/2022/12/22/dinamika-psikologi-korban-dan-saksi-dalam-memberikan-kesaksian-peradilan-atas-trauma-atau-trauma-karena-peradilan/>.

<sup>37</sup> Hukumonline, "Getting to Know the 8 Types of Witnesses in Criminal Procedure Law".

<sup>38</sup> Typhoon, "Protection of Witnesses and Victims in Indonesia."

be able to provide the most accurate description possible of what they saw, heard, or knew in relation to the events being sued.

Apart from the above, it is difficult to get witnesses because many witnesses know the facts related to criminal events but do not want to be involved in legal proceedings because they are afraid of the threat of revenge from the perpetrators of crimes or other parties related to the event.<sup>39</sup> This fear can make them reluctant to engage in legal proceedings because they fear for their own safety or their families. In some cases, witnesses may be unwilling to testify for fear of harming themselves or their loved ones. Witnesses also need to be given the proper protection if they feel threatened or afraid as a result of giving honest testimony.<sup>40</sup> Witness protection is essential to ensure they can speak without fear of repercussions. Therefore, *safe houses* are very important to protect witnesses/victims/complainants in certain criminal cases.<sup>41</sup>

In addition to the examination of witnesses, there are examinations of visum et repertum (VR) and visum et psychiatry (VP).<sup>42</sup> Visum et Repertum is a medical examination by a forensic doctor looking for physical evidence related to a crime, such as injury or injury by a criminal event, and whether it is according to the testimony of the witness or the victim. The current reality is that VR examinations in cases of sexual intercourse and child molestation often face several obstacles. especially If the VR examination is carried out some time after the incident. This affects the results of visum et repertum because the physical signs of the act of intercourse or molestation may not be visible or have faded, making it difficult to obtain clear physical evidence. Ideally, a Visum et Repertum examination in cases of sexual intercourse and child molestation is carried out as soon as possible after the incident, in order to obtain actual physical evidence. The victim must be immediately taken to a medical facility that has medical personnel trained in conducting forensic examinations to ensure that the evidence found is accurate and not contaminated.

Not all cases of intercourse or molestation can leave tangible physical evidence (such as a cut or injury) that can be seen in a medical examination. In some cases, there are only stronger psychological signs, which cannot be checked through Visum et repertum. Therefore, it is possible to do visum et psychiatry. **Visum et Psikiatrum** is an examination by a forensic

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<sup>39</sup> Margaretha, "The Psychological Dynamics of Victims and Witnesses in Giving Testimony".

<sup>40</sup> Typhoon, "Protection of Witnesses and Victims in Indonesia."

<sup>41</sup> ICJR, "The Problem of Safe Houses Must Be Re-Straightened," accessed March 22, 2025, <https://icjr.or.id/persoalan-rumah-aman-safe-house-harus-diluruskan-kembali/>.

<sup>42</sup> Hukumonline Team, "Visum et Repertum: Procedures, Types, and Stages, hukumonline.com, accessed March 22, 2025, <https://www.hukumonline.com/berita/a/visum-et-repertum-lt627c7002011d2/>".

psychiatrist to assess the mental state of the victim or perpetrator, whether the victim has experienced psychological trauma or mental disorders due to the events he or she has experienced or not. Too long after the event, the symptoms of psychological trauma may be more difficult to detect or may have already progressed to a more complex condition, such as anxiety disorders or depression.<sup>43</sup> Not all of the psychological effects of sexual abuse can be detected in a single examination, especially if the child is unprepared or unable to talk about their traumatic experiences openly.

The examination of Visum et Psychiatry in cases of sexual intercourse and child molestation should be carried out by a psychiatrist trained in dealing with sexual trauma in children and should be carried out immediately after the incident to detect possible mental disorders or psychological effects of the criminal act.<sup>44</sup> After an examination, the psychiatrist can provide recommendations on the need for follow-up treatment or therapy for victims who may be experiencing psychological disorders as a result of the events experienced, such as severe trauma, anxiety disorders, or depression.

After obtaining the results of the psychological test, investigators can only interview the victim's witnesses. In practice, after the results of psychological tests, investigators face various obstacles, such as delays in interviews and the possibility that the victim is not ready to speak due to trauma or fear. The results of psychological tests do not always guarantee that the victim can give information openly.<sup>45</sup> Ideally, after receiving the results of the psychological test, interviews with victim witnesses should be conducted with a sensitive, safe, and structured approach, as well as with sufficient psychological assistance. Child investigators must pay attention to the victim's mental state, maintain confidentiality, and avoid questions that can aggravate the victim's trauma. The interview process must be done carefully so as not to add to the psychological burden of child victims, ensuring they feel safe and valued.

The doctor who handles VR (forensic physical examination) and VP (forensic psychiatric examination) can be used as experts in the trial. The doctor who handles has the authority to provide information about the medical evidence found, whether it is physical evidence from the VR examination or the results of psychological analysis from the VP examination.<sup>46</sup> This

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<sup>43</sup> Nining Gilang Sari, Indra Afrita, and Yeni Triana, "Legal Consequences Of The Results Of The Examination Of The Psychiatric Visum Et Repertum By Psychiatric Specialists For The Perpetrators Of Criminal Acts," *Galuh Justisi Scientific Journal* 13, no. 1 (March 8, 2025): 40–63, <https://doi.org/10.25157/justisi.v13i1.17429>.

<sup>44</sup> Herlin Sobari Et Al., "The Role Of Psychiatry In Law Enforcement As Visum Et Repertum," N.D.

<sup>45</sup> Wulandari And Saefudin, "Psychological And Social Impact On Victims Of Sexual Violence."

<sup>46</sup> Hukumonline, "Getting to Know the 8 Types of Witnesses in Criminal Procedure Law."

information is often accepted as valid evidence in trials. However, in some cases, there are doubts regarding the qualifications or competence of doctors to explain the findings of the visum in a legal context, depending on their expertise in forensics and psychiatry. Ideally, doctors who handle VR and VP forensic examinations should have special competencies, such as forensic medicine and forensic psychiatry training, in order to provide more valid and reliable testimony in court. Ideally, these expert doctors should be able to explain the findings clearly, objectively, and with appropriate legal references to support the evidentiary process at trial. In the Criminal Code articles 133-135 it is stated that there are no forensic and medicolegal specialists in that place, if the investigator gives authority and the hospital agrees as a general practitioner can do it, but the result in the eyes of the law is only as a doctor's testimony and not an expert statement. Therefore, it is necessary to ensure the specifications of the doctor who handles it.<sup>47</sup>

After everything was done, the investigator adjusted the evidence with the witness statement. However, sometimes the evidence found is not entirely consistent with the witness statements given. Investigators often face difficulties in proving the direct connection between the evidence and the witnesses who give testimony.

Of all the existing obstacles, the proof process can run more optimally if the Cirebon Police has its own safe house. The existence of a safe house will provide a safe space and good control for child investigators to conduct forensic examinations and collect evidence more systematically. With this special facility, witnesses and victims also get extra protection to avoid threats and pressure from outsiders. The existence of safe house facilities can ensure that witnesses and victims feel safe, which can increase the courage of witnesses and victims to give testimony honestly and without fear. It is hoped that investigators can also work more efficiently and the potential for external interference that can hinder the accuracy and integrity of evidence is reduced.

## CONCLUSION

This research highlights serious problems in handling child molestation crimes, especially in the Cirebon Police. Although there are various regulations regulating child protection, such as Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection and Law No. 11 of 2012 concerning the Crime of Sexual Violence,

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<sup>47</sup> "Criminal Procedure Articles 131, 132, 133, 134 and 135," *CRIMINAL CODE LAW* (blog), April 25, 2018, <https://kuhpindonesia.blogspot.com/2018/04/kuhap-pasal-131-pasal-132-pasal-133.html>.

the reality is that there are still various obstacles in its implementation. One of the main problems is the imbalance between the number of child investigators and the increase in cases of abuse, which has an impact on the slow investigation process and has the potential to hinder the protection of victims' rights.<sup>48</sup>

In addition, the evidentiary process in child abuse cases also experienced challenges, especially in the collection of witness statements and forensic evidence. The trauma experienced by the victim often hinders the investigation process to provide clear testimony, while medical and psychological examinations cannot always support the evidence optimally.<sup>49</sup> The lack of facilities such as *safe houses* to protect victims and witnesses is also a major obstacle in more effective law enforcement.<sup>50</sup>

As a solution, this study recommends increasing the number of investigators trained to handle cases of violence against children, the construction of special facilities such as *safe houses*, and advanced training for investigators in handling child abuse cases professionally.

Thus, success in handling the crime of child abuse depends not only on existing regulations but also on the readiness of human resources, the availability of supporting facilities, and the ability of law enforcement officials to respond to each case quickly, appropriately, and favorably for the victim. Efforts to increase the capacity of investigators and construct supporting facilities such as *safe houses* are strategic steps in realizing a more effective and equitable child protection system.

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<sup>48</sup> Cirebon Police PPA Unit

<sup>49</sup> Septiana and Subekti, "OBSTACLES TO THE IMPLEMENTATION OF LEGAL PROTECTION FOR CHILDREN OF PERPETRATORS OF CRIMINAL ACTS OF ABUSE AT THE KARANGANYAR POLICE."

<sup>50</sup> Cirebon Police PPA Unit

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