

## State Responsibility in Protecting Children from Sexual Violence in Educational Settings: A Case Study of Gorontalo

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### ABSTRACT

*This study examines the constitutional responsibility of the state in protecting children from sexual violence within educational institutions, using Gorontalo City as a case study. Article 28B paragraph (2) of the 1945 Constitution obliges the state to ensure that every child is protected from violence and discrimination. However, the increasing number of sexual violence cases in schools and the weak institutional response indicate a significant gap between constitutional mandates and their implementation. Employing an empirical juridical approach through interviews with the Women and Children Protection Unit (PPA) of Gorontalo City Police, the Regional Office for Women and Children Protection, and relevant legal documents, this research reveals that the failure of protection is not merely due to criminal factors, but also the lack of institutional governance, inadequate state oversight, weak school-based child protection mechanisms, and limited capacity of law enforcement agencies. These findings demonstrate that the state has not fully carried out its positive obligations to protect children. The study recommends strengthening local regulations, establishing a regional child protection task force, improving the capacity of PPA units, and integrating child-protection policies into school governance as part of the state's constitutional duties.*

## 1. Introduction

Education constitutes a fundamental foundation for the development and growth of children as the succeeding generation of the nation. Every child possesses the right to obtain quality education and a safe learning environment, as affirmed in Law Number 20 of 2003 concerning the National Education System.<sup>1</sup> According to the aforementioned regulation, education is understood not merely as a process of knowledge transfer, but also as a deliberate and systematic

<sup>1</sup> Rahmat Teguh Santoso Gobel, et al. "Dialektika Norma Islam Dan Norma Hukum Positif Dalam Pembentukan Peraturan Daerah Tentang Pendidikan Al-Qur'an Di Provinsi Gorontalo." *Sultan Jurisprudence: Jurnal Riset Ilmu Hukum* 2.2 (2022): 196-213. <https://doi.org/10.51825/sjp.v1i2>

effort to develop children's potential in order for them to grow into individuals who are faithful, possess noble character, and are capable of navigating social life.<sup>2</sup> However, these noble ideals often conflict with the reality observed in practice, wherein violence against children is, in fact, prevalent even within educational environments that ought to serve as the safest spaces for them.<sup>3</sup>

Children constitute legal subjects whose rights are protected by the Constitution. Article 28B (2) of the 1945 Indonesian Constitution (UUD 1945) mandates the State to guarantee that every child receives protection from violence and discrimination. From the perspective of Constitutional Law (*Hukum Tata Negara*), this provision establishes the State as the primary actor bearing constitutional obligations (positive obligations) to ensure that educational environments remain free from all forms of sexual violence. Consequently, the issue of sexual violence in schools transcends a mere violation of criminal law; rather, it represents a critical indicator of state failure in fulfilling its constitutional mandate to protect children.

Violence against children in Indonesia remains an ongoing and deeply troubling phenomenon. Media coverage frequently documents cases of abuse, harassment, and exploitation of children in various forms.<sup>4</sup> These facts demonstrate that child protection continues to face serious challenges, both from social and legal enforcement perspectives. Cases of violence frequently involve those closest to the child such as teachers, family members, or peers who should serve as protectors but instead become perpetrators. This situation creates profound psychological impacts, including trauma, fear, and diminished academic motivation, which often leads children to abandon their education. Schools as educational institutions, local governments as service providers, and law enforcement officials as holders of coercive authority frequently fail to effectively fulfill their constitutional roles. Consequently, the primary issue requiring examination is not merely the weakness of criminal law enforcement but rather the dysfunction of state institutions in implementing constitutional guarantees of children's right to security.

In fact, the government has provided a robust legal framework to protect children's rights from all forms of violence. Article 28B, Paragraph (2) of the 1945 Constitution emphasizes that every child has the right to survival, growth and development, as well as protection from violence and discrimination. This provision is reinforced by various laws, including Law Number 35 of 2014 on Child Protection, Law Number 4 of 1979 on Child Welfare, and Law Number 11 of 2012 on the Juvenile Criminal Justice System. All these regulations explicitly guarantee that children must be protected from physical, psychological, and sexual violence. However, implementation in practice remains far from expectations.<sup>5</sup>

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<sup>2</sup> Zamroni Abdussamad, et al. "Knitting legislative meaning: A review of disability education policy in the law on the national education system and disabilities." *Pena Justisia: Media Komunikasi dan Kajian Hukum* 22.001 (2023): 355-373. <https://doi.org/10.31941/pj.v22i3.3830>

<sup>3</sup> Rizki Setyobowo Sangalang. "Perlindungan hukum terhadap korban tindak pidana kekerasan seksual dalam lingkungan pendidikan." *Jurnal Ilmu Hukum Tambun Bungai* 7.2 (2022): 176-192. <https://doi.org/10.61394/jihtb.v7i2.230>

<sup>4</sup> Novia Grace Lahmado, Mohamad Rusdiyanto U. Puluhalawa, and Mohamad Hidayat Muhtar. "Tinjauan viktimologi terhadap tindak pidana kekerasan seksual pada anak di wilayah hukum Polres Boalemo." *SINERGI: Jurnal Riset Ilmiah* 1.6 (2024): 365-375. <https://doi.org/10.62335/m4nerb70>

<sup>5</sup> Rahmat Huruji, Moh Rusdiyanto U. Puluhalawa, and Mohamad Hidayat Muhtar. "Penegakan Hukum Kekerasan Seksual Terhadap Anak di Polres Boalemo (Studi Kasus Diwilayah Kepolisian Resor Boalemo)." *SINERGI: Jurnal Riset Ilmiah* 1.5 (2024): 282-293. <https://doi.org/10.62335/paam4k13>

According to data from the Indonesian Child Protection Commission (KPAI), violence in educational environments represents a matter of considerable concern. Physical violence constitutes the majority of reported cases, exceeding fifty percent, with psychological violence and sexual harassment comprising the remainder. Notably, a substantial portion of these incidents goes unreported due to victims' experiences of fear, shame, and social coercion.<sup>6</sup> These facts demonstrate the persistent weaknesses in the legal protection and enforcement system that favor victims, particularly when perpetrators are authoritative figures such as teachers or school principals. Violence experienced by children in schools has complex ramifications. Physical wounds may heal, but emotional wounds and psychological trauma can leave lasting scars. Child victims tend to withdraw, lose self-confidence, and even experience disruptions in their learning processes. In the long term, these impacts can diminish the quality of human capital and impede national development objectives. Schools, which should serve as spaces for character formation, instead become frightening places when violence is allowed to persist without fair resolution. This situation reveals institutional gaps and inadequate state capacity to prevent, detect, and address cases of sexual violence. Therefore, analysis of cases occurring in educational settings cannot be separated from evaluation of the quality of state governance in fulfilling this constitutional mandate.

This phenomenon also emerges in regional areas, including Gorontalo Province. According to reports from the Gorontalo City Police Resort, between 2020 and 2023, more than one hundred cases of child sexual abuse were recorded, with a substantial portion occurring in school environments. These cases involve various parties, ranging from teachers to educational staff, who should serve as moral exemplars for students. One illustrative case involves a teacher who exploited his position to commit sexual harassment by offering high grades to female students. Such incidents exemplify the vulnerability of children's position in educational environments when authority is exercised in deviant ways.<sup>7</sup>

The law has indeed established strict sanctions against perpetrators of sexual violence against children. Articles 81 and 82 of Law Number 35 of 2014 stipulate that perpetrators may be sentenced to imprisonment of up to 15 years and a maximum fine of five billion rupiah. If the perpetrator is an educator or person with responsibility toward the child, the sentence is increased by one-third. These provisions demonstrate the state's seriousness in providing a deterrent effect; however, in practice, law enforcement often fails to operate optimally due to various factors such as insufficient evidence, the victim's fear of testifying, or the weakness of child-sensitive judicial processes.<sup>8</sup>

Crimes against children, particularly sexual violence, frequently occur in covert circumstances. Many victims choose to remain silent due to feelings of shame or fear of social stigma. Conversely, society tends to perceive such cases as disgraceful matters requiring concealment rather than serious issues warranting disclosure to prevent recurrence. However, victim silence

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<sup>6</sup> Dwi Puji Lestari. "Peran Komisi Perlindungan Anak Indonesia (KPAI) Dalam Perlindungan Korban Kekerasan Anak." *Martabat* 2.2 (2018): 315-338. <https://doi.org/10.21274/martabat.2018.2.2.315-338>

<sup>7</sup> Interviews Conducted at the Women and Child Protection Unit (Unit IV), Gorontalo Regional Police Department

<sup>8</sup> Nurul Novitasari. "Analisis Undang-Undang Nomor 35 Tahun 2014 Terhadap Kekerasan Anak Pada Masa Pandemi Covid-19." *JCE (Journal of Childhood Education)* 5.2 (2021): 333-351. <https://doi.org/10.30736/jce.v5i2.599>

perpetuates the cycle of violence and creates opportunities for perpetrators to victimize other children.

This situation demonstrates that child protection cannot rely solely on the existence of regulatory frameworks. An integrated system involving families, schools, and law enforcement agencies is necessary to ensure genuine child protection. Character education for educators is crucial to ensure they comprehend the boundaries of their professional roles and moral responsibilities. Schools must cultivate environments that honor the dignity of children and establish secure channels for reporting violence.

Violence within educational settings constitutes not merely a legal violation but a moral and social failure that threatens the nation's future. Every child who loses their sense of security at school is deprived of part of their opportunity to develop and learn optimally. Rigorous enforcement of laws against perpetrators and psychological rehabilitation of victims represent critical steps toward breaking the cycle of violence. Children are not merely objects of instruction but subjects possessing rights to be respected, protected, and provided safe spaces to develop into complete human beings.

This study aims to analyze the state's responsibility in providing constitutional protection to children in educational environments by assessing the extent to which implementation of state authority through schools, local governments, and law enforcement agencies can effectively prevent and prosecute sexual violence. Employing an empirical legal approach, this research examines the alignment between constitutional mandates and the implementation of child protection policies in Gorontalo City.

Therefore, this study will analyze the following research questions: (1) What is the effectiveness of legal sanctions against perpetrators of sexual abuse in school settings pursuant to the Child Protection Act. (2) What factors impede the implementation of sanctions against perpetrators of sexual abuse crimes in Gorontalo City.

## **2. Research Methods**

This study utilizes a sociological-judicial approach, or empirical legal research methodology, with the objective of understanding how law functions within the social context of communities,<sup>9</sup> particularly concerning the protection of children from acts of violence and abuse within educational environments. This approach not only examines statutory regulations but also traces social behavior and the effectiveness of legal sanctions in practice. Through this method, the researcher seeks to identify the relationship between legal norms and actual practices occurring in society, thereby determining the extent to which the law genuinely provides protection to children and produces a deterrent effect on perpetrators of sexual offenses in schools.

Research data comprises mutually complementary primary and secondary sources. Primary data were obtained directly from the field through observation and interviews with investigators from the Gorontalo City Police Resort, the Chairperson of the Women and Child Protection Division, and educational figures or community members knowledgeable about the social circumstances

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<sup>9</sup> Muhammad Syarif, et al. *Metode penelitian hukum*. Padang: Get Press Indonesia, 2024. Page. 69

surrounding cases of child violence. Secondary data were obtained through literature review in the form of books, legal documents, research findings, and official archives relevant to the research focus. The research site was established within the jurisdictional territory of the Gorontalo City Police Resort, as this area exhibits a relatively high incidence of child violence cases and serves as the center of law enforcement in the region.

The data analysis process was conducted qualitatively by interpreting observational findings, interviews, and documentation to generate an in-depth understanding of the effectiveness of legal sanctions against perpetrators of sexual abuse in educational settings. This analysis does not merely stop at fact collection but also endeavors to reveal the social meaning behind legal implementation, including constraints and responses of law enforcement authorities in handling such cases. The results are presented descriptively to accurately and comprehensively portray actual conditions in the field, while simultaneously serving as a basis for consideration in strengthening legal protection for children in the future.

### **3. Result and Discussion**

#### **3.1. The Effectiveness of Legal Sanctions Against Perpetrators of Indecent Assault in School Settings: A Study Based on Child Protection Legislation**

The government's efforts to protect children have, in fact, demonstrated a sufficiently strong commitment through the enactment of various regulations that substantively address child protection against all forms of violence and exploitation. Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, Law Number 3 of 1997 concerning Juvenile Courts, and Law Number 23 of 2002 concerning Child Protection, which was subsequently amended to become Law Number 35 of 2014, represent evidence of the state's seriousness in providing legal guarantees for children's rights.<sup>10</sup> However, despite the availability of legal instruments, their implementation in practice remains suboptimal. Numerous cases demonstrate that the protection afforded by law has yet to adequately address the actual needs of victims, particularly in cases of sexual violence such as child sexual abuse. Child victims frequently experience profound trauma, loss of personal safety, and fear toward their own social environment. Child-unfriendly judicial proceedings exacerbate this situation, as victims often lack adequate support from law enforcement personnel. This circumstances places children in an increasingly vulnerable position, leaving them feeling helpless before a legal system that should serve as their protector.

Sexual crimes against children have become an increasingly alarming phenomenon, as case numbers continue to rise annually. Multiple factors contribute to this trend, ranging from inadequate family supervision to permissive social environments that tolerate violence. Insufficient parental attention, changes in child-rearing practices, and the influence of digital media all contribute to increased child vulnerability. Furthermore, the role of law enforcement becomes critically important, as perpetrators of child sexual abuse harm victims not only physically but also inflict psychological and moral damage to the nation's future generation.<sup>11</sup>

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<sup>10</sup> Fayza Khairunnisa Moodoeto, Zamroni Abdussamad, and Mohamad Hidayat Muhtar. "Efektivitas Perlindungan Hak Identitas Anak Melalui Digitalisasi Administrasi Kependudukan Di Kabupaten Bonebolango." *SINERGI: Jurnal Riset Ilmiah* 2.2 (2025): 537-548. <https://doi.org/10.62335/0m47ys36>

<sup>11</sup> Rizka Junisa Dayani. "Penerapan Hukuman Kebiri Terhadap Pelaku Kejahatan Seksual Anak Sebagai Perlindungan Hukum Anak Selaku Korban Kejahatan Seksual." *Jurnal Hukum PRIORIS* 7.1 (2018): 42-56. <https://doi.org/10.25105/prio.v7i1.14955>

Law Number 35 of 2014 explicitly prohibits all forms of violence against children, particularly sexual violence, and demands the active role of law enforcement in upholding justice. Early prevention of such crimes is critically important to ensure that children can develop in a safe and protected environment, while simultaneously guaranteeing the fulfillment of their rights without discrimination.<sup>12</sup> Sexual abuse constitutes a serious violation of human dignity and falls within the category of human rights violations, as it attacks the most fundamental aspects of human beings namely, honor and the integrity of both body and soul.

The proliferation of child sexual abuse cases demonstrates that the child protection system continues to face considerable challenges. The efforts of the government, law enforcement authorities, and society have not operated in a balanced manner; consequently, the protection that is expected has not been realized in any tangible way by victims. The Child Protection Law, through Article 20, has affirmed that responsibility for child protection does not rest solely with the state but constitutes a shared obligation among the government, society, family, and parents.<sup>13</sup> Meanwhile, Article 59 regulates the responsibility of the government and other state institutions to provide special protection to children in at-risk situations, including victims of sexual violence. This provision signifies that the implementation of protection cannot be partial in nature; rather, it must involve all social components comprehensively in order to achieve effective outcomes.

The Child Protection Law has established clear objectives, namely to ensure children's security from threats that may impair their growth and development. Children who are victims of sexual molestation occupy a more vulnerable position compared to adults. The law must exist not only to punish perpetrators but also to ensure that victims receive adequate support from legal, health, and psychological perspectives. This principle constitutes an essential component of legal objectives encompassing justice, order, and social security. When legal processes are conducted without regard to the psychological needs of victims, the protection afforded becomes illusory. Therefore, the application of legal provisions should be oriented toward victim recovery, not merely toward perpetrator punishment.

Field evidence demonstrates that the implementation of legal provisions frequently fails to function as intended. Law enforcement in cases of child sexual molestation should be conducted comprehensively from the investigative stage through the execution of criminal sanctions. Each stage requires sensitivity and empathy from law enforcement officers, as child victims possess special needs distinct from those of adults. Educational environments should likewise serve as safe spaces for children, rather than venues where violence occurs. When a teacher or educator becomes a perpetrator of sexual molestation, trust in educational institutions is consequently eroded.

This situation is clearly illustrated by research findings from Gorontalo City, where the Gorontalo City Police Precinct documented 114 cases of child sexual molestation over a four-year period. This figure demonstrates a significant increase and reflects a state of moral

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<sup>12</sup> Lyza Sari Rahayu. "Perlindungan Hukum Terhadap Anak Dari Kekerasan Seksual Di Lingkungan Pesantren." *Jurnal Riset Ilmu Hukum* (2023): 75-80. <https://doi.org/10.29313/jrih.v3i2.2768>

<sup>13</sup> Cahaya Suratin, et al. "Hukuman bagi Pelaku Tindak Pidana Pencabulan Pada Anak di Bawah Umur dan Perlindungan Korban." *Ma'mak: Jurnal Laboratorium Syariah dan Hukum* 3.2 (2022): 102-122. <https://doi.org/10.15642/mal.v3i2.121>

emergency as well as inadequate legal protection for children. Based on an interview with Deputy Inspector Aristia Gani, Chief of the Women and Children Protection Unit (PPA) at Gorontalo City Police, it was noted that the majority of cases involve perpetrators who maintain close relationships with victims, including teachers and educational personnel. Several cases that emerged publicly reveal how abuse of authority was committed by unscrupulous teachers against female students under the pretext of awarding high grades. Additionally, there exist cases in which perpetrators invited victims to their residences and committed sexual molestation through subtle coercion or threats.<sup>14</sup> These incidents do not merely demonstrate the moral weakness of individuals but also reveal the educational system's inadequacy in protecting children from threats of sexual violence. The systemic failure reflects a critical gap between institutional responsibility and operational capacity to safeguard vulnerable populations within educational settings.

From the perspective of law enforcement, the police apparatus in Gorontalo has made concerted efforts to address these cases in accordance with the provisions of the Child Protection Act (*Undang-Undang Perlindungan Anak*). Legal procedures are implemented with paramount consideration given to the protection of victims' identities, as mandated by Article 17 of the Child Protection Act, which prohibits the publication of information identifying child victims of crime. Victims are afforded comprehensive assistance encompassing legal, medical, and psychological support, which constitutes a manifestation of the state's obligation to protect children. Such support is provided not only during the investigative phase but continues throughout the judicial proceedings in court. The approach adopted by the Women and Child Protection Unit (Unit PPA) prioritizes the recovery and rehabilitation of victims to enable them to resume normal functioning in society, notwithstanding the persistent psychological trauma resulting from their experiences.

Regarding the imposition of sanctions, perpetrators of child sexual abuse, particularly those holding positions as educators, face charges under more stringent statutory provisions. Articles 81 and 82 of the Child Protection Act explicitly stipulate that offenders who are parents, guardians, caregivers, educators, or educational personnel shall receive an additional sentence of up to one-third beyond the maximum prescribed penalty. This legislative framework demonstrates the law's deliberate emphasis on offenders who occupy positions of authority over victims. Teachers, as trusted figures, are expected to serve as protectors and role models for their students, not as perpetrators of criminal conduct. However, empirical evidence demonstrates that such power dynamics are frequently exploited for emotional manipulation or threats that render victims powerless and vulnerable to continued abuse.

Case records handled by investigators at the Gorontalo Police Resort (*Polresta Gorontalo*) indicate that perpetrators have been convicted to sentences ranging from 12 to 15 years of imprisonment, accompanied by fines reaching hundreds of millions of rupiah, in compliance with provisions of the Child Protection Act and Law No. 12 of 2022 concerning Criminal Acts of Sexual Violence (*Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual*). Nevertheless, observable patterns within society indicate that stringent penal sanctions have not significantly reduced the incidence of such crimes. The implementation of criminal sanctions

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<sup>14</sup> Interview with the Head of the PPA Unit, Criminal Investigation Division, Gorontalo City Police Resort

continues to be impeded by procedural and structural factors, including insufficient evidentiary standards, societal sympathy toward perpetrators, or even external interference in judicial processes by interested parties.<sup>15</sup>

An analysis of law enforcement implementation in Gorontalo reveals that although police apparatus have executed procedures in accordance with regulations, the effectiveness of criminal sanctions has yet to achieve the desired outcomes. The existence of clear statutory provisions and severe penalties should theoretically produce a deterrent effect; however, in practice, the trend of sexual abuse cases has experienced an increase. This indicates that the imposition of sanctions alone is insufficient without being accompanied by comprehensive preventive measures. Case prosecution must be followed by improvements to the supervisory system within educational institutions, heightened public legal awareness, and education directed toward students and educators regarding the importance of respecting bodily integrity and children's rights.

The Head of the Sexual Abuse Unit (PPA) at Gorontalo Police Headquarters explained that efforts to combat sexual violence are undertaken through two approaches: preventive and repressive. The preventive approach is implemented by providing child protection through socialization, education, and guidance programs in schools and communities. Activities such as seminars, public outreach, and community complaint services are promoted to enhance public understanding of the dangers of sexual violence. A persuasive approach is also implemented by guiding and counseling the community to foster greater sensitivity to moral and legal values. Victim rehabilitation has become an important component of this strategy, wherein the PPA Unit collaborates with hospitals and integrated service facilities for the psychological and physical recovery of victims.<sup>16</sup>

Repressive measures are implemented once a criminal offense has occurred. Law enforcement authorities are tasked with conducting investigations, inquiries, and enforcing the law in accordance with applicable regulations. The application of sanctions is carried out by prosecuting offenders under maximum applicable charges to produce a deterrent effect. This approach reflects law enforcement's commitment to upholding the integrity of the legal system and ensuring that every perpetrator of sexual violence against children receives proportionate punishment. However, sound legal enforcement processes do not always guarantee that child protection has been fully achieved. Prevention efforts must proceed in parallel to ensure that similar crimes do not continue to recur.

The Gorontalo City Government, through the Women Empowerment and Child Protection Office, collaborates with the police force in handling cases of violence against children. The Head of the Child Protection Division explained that rehabilitation programs and psychological counseling are continuously provided to child victims of violence as well as their families. These efforts involve multiple institutions, including those responsible for legal, health, and social services, ensuring that child victims of violence not only receive justice but also achieve

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<sup>15</sup> Erni R. Ibrahim, Dian Ekawaty Ismail, and Apripari Apripari. "Implementasi Kebijakan Preventif Polresta Gorontalo Kota Terhadap Tindak Pidana Penganiayaan Anak Oleh Ibu Tiri." *Adagium: Jurnal Ilmiah Hukum* 3.2 (2025): 247-268. <https://doi.org/10.70308/adagium.v3i2.113>

<sup>16</sup> Interview with the Head of the PPA Division (Department of Population Control, Family Planning, Women Empowerment and Child Protection, Gorontalo City)

emotional recovery. The ultimate objective is to establish Gorontalo City as a child-friendly city, where every child feels safe and protected.

Despite various measures undertaken, the increasing number of reported cases demonstrates that legal protection for children remains ineffective. The enactment of numerous laws should have reduced the incidence of sexual violence; however, weak inter-agency coordination and insufficient public awareness have caused laws to remain merely formal procedures. Although the government has indeed attempted various prevention and enforcement measures, their implementation has failed to reach all segments of society. This situation demonstrates that child protection cannot be executed by the government alone but requires synergy among families, schools, communities, and law enforcement authorities.

The effectiveness of the Child Protection Law depends on collaboration among all stakeholders. Article 20 of Law Number 35 of 2014 emphasizes that the state, government, regional governments, communities, families, and parents share collective responsibility for implementing child protection. When all these elements work synergistically, the likelihood of reducing violence against children increases significantly. However, without solid cooperation, the law loses its practical value and becomes merely a lifeless text. Therefore, legal enforcement must be accompanied by strengthened social oversight and community empowerment to actively participate in protecting children in their respective environments.

Legal effectiveness is not measured solely by the number of articles applied or the duration of sentences imposed, but rather by the extent to which the law creates a sense of security and justice for society. Cases of sexual abuse committed by educators demonstrate that legal enforcement must be accompanied by professional ethical standards. The government, in collaboration with educational institutions, must enforce strict discipline against teachers who commit serious violations, including revocation of civil servant status for perpetrators found guilty. Such measures not only produce deterrent effects but also send a moral message to the educational community that the teaching profession is a symbol of trust and moral responsibility that must not be violated.

Efforts to protect children from sexual crimes require a multifaceted strategy that combines legal, social, and moral approaches. Existing regulations must be genuinely enforced, law enforcement authorities must operate professionally, society must remain vigilant through oversight, and educational institutions must establish internal protection systems for their students. Child protection will not succeed if it relies solely on a single entity. The state must serve as a guardian, society must serve as protector, and the family must serve as the first line of defense. If all these elements function in unison, the vision of creating a safe and appropriate environment for children will no longer be merely an aspiration but rather a tangible reality that can be experienced and lived.

### **3.2. Hindering Factors in the Implementation of Sanctions Against Perpetrators of Indecent Assault in Gorontalo City**

The imposition of sanctions against offenders plays a central role as a legal safeguard for child victims, as it is from this point that guarantees of the right to safety, restoration, and justice obtain concrete grounding. The available normative framework has provided the foundation for

imposing punishment; however, its effectiveness is substantially determined by the extent to which enforcement can trace the underlying causes of crime, map patterns, and target vulnerable points at the source. The sensitivity required to investigate contributing factors is imperative, because without proper diagnosis, policy easily becomes ensnared in merely curative efforts. Investigative testimony from Gorontalo reveals a recurring thread: the pervasive influence of media that both captures attention and shapes preferences, particularly when sexually charged content infiltrates children's devices without filtering. Easy access to pornographic material breaches age and maturity barriers, then accelerates the formation of misconceptions regarding relationships, consent, and bodily autonomy. When the flood of information is not balanced by digital literacy and parental guidance, a child's private space transforms into an arena of repeated exposure that normalizes risky behavior.

Mainstream media also exerts influence when reports of sexual crimes are presented in sensational fashion, inviting imitative impulses among vulnerable offenders. Similar dynamics occur on social media timelines displaying visual fragments without context, blurring the line between reporting and commodification of attention. This situation becomes more complicated when the social environment fails to function as an ethical barrier for instance, fragile families that cannot provide emotional attachment, or communities that tolerate sexual jokes and verbal harassment. Children who develop within shallow relationships, surrounded by passive adult figures, and subjected to discipline without empathy are at risk of developmental injury and become easy targets for offenders. Traumatic experiences such as prior neglect, violence, or loss foster patterns of fragile relationships, rendering subtle coercion, threats, power dynamics in schools or surrounding environments as entry points for criminal acts.

The influence of alcoholic beverages frequently emerges as a trigger that lowers self-control and obscures moral judgment. Intoxicated states precipitate impulsivity, diminish shame, and fuel the courage to transgress previously observed boundaries. Environments that tolerate alcohol consumption as part of lifestyle, without oversight and firm social consequences, create an ecosystem of risk. This pattern cannot be read as mere individual deviance but rather as evidence of weak social control mechanisms. This inclination intersects with exhibitionist culture in digital spaces, where spontaneous meetings, private invitations, and status transactions occur rapidly, leaving digital traces that can become instruments of control and coercion against victims.

Digital technology creates a landscape that is fundamentally ambivalent. Enormous educational potential proceeds alongside channels for pornography distribution, sexting, and predatory content. The circulation of intimate images and videos involving children not only violates law but also shapes misconceptions and behavioral guidelines. When repeated exposure occurs without supervision, adolescent brains already seeking sensation and identity become more easily programmed by patterns of rapid stimulation. Consent is misconstrued as familiarity; willingness is equated with silence; and bodily boundaries are negotiated away by promises of attention or threats of content dissemination. Education regarding healthy consent, privacy, and bodily dignity rarely appears systematically in homes or schools, leaving children to enter the digital wilderness without a moral compass.

Parents hold an irreplaceable role in safeguarding child development. Warm, consistent, and authoritative parenting prevents affective needs from being redirected toward vulnerable spaces. Numerous cases in the Gorontalo region reveal gaps in supervision, domestic conflict, or

caregiving delegated to unprepared relatives. Such circumstances diminish protection quality and even create opportunities for abuse through relationship proximity. Incestuous experiences leave layered wounds: misplaced guilt, fear of adult figures, and the false belief that love is synonymous with surrender. Children who absorb examples of adults who respect boundaries, honor consent, and take responsibility for words develop stronger moral compasses; conversely, poor examples prepare the stage for manipulative power relations.

The cultural practice of resolving sexual violence through family settlement emerges as a crucial obstacle. Closed-door negotiations, bride price offers, or early marriage are often employed as solutions deemed to "secure the future," yet such practices compound trauma and whitewash criminal conduct. Restorative justice must be read with care; the goal of victim restoration does not equate to the erasure of offender accountability. Sound restoration reaffirms wrongdoing, repairs relationships, and guarantees non-recurrence. When the victim is a child and the offender wields power as a teacher, relative, or authority figure restorative mechanisms that bypass judicial processes actually perpetuate impunity. Restorative spaces may remain available for non-punitive needs such as psychological rehabilitation and family reconciliation, but the penal track must not be severed in the name of peace.

Victim and family cooperation frequently becomes a challenge. Shame, social threat, economic dependence, and fear of the offender cause delays in reporting or evidence disappearance. Digital evidence that should be robust evaporates through panic, while witnesses refuse to speak. Investigative teams require trauma-sensitive communication strategies so that interrogation does not feel like a "second trial" for the victim. Use of child-friendly spaces, psychological accompaniment, and female investigators constitute good practices warranting standardization. Clarity regarding forensic examination procedures, swift coordination with health services, and identity confidentiality must be honored from the first point of contact. Efforts to build trust must begin with non-judgmental language, a rhythm of questioning that respects boundaries, and tangible protection against further threats.

The quality of law enforcement is determined by meticulousness at the investigative stage. When case files return from the prosecutor's office due to insufficient evidence, victim families grow weary, offenders discern a gap, and the public perceives "hollow justice." Strengthening technical capacity becomes the key: digital evidence management, proper chain of custody, forensic expertise, and understanding of layered statutes relevant to power relations. Offenders bearing educational credentials should be prosecuted with enhancement under child protection statutes and tied to professional provisions allowing dismissal and teaching prohibitions. Deterrent effect arises not solely from corporal punishment but also from social and administrative consequences that terminate offender access to positions of power.

Schools must reinforce internal safeguards. Clear codes of conduct, anonymous and accessible reporting channels, mandatory training on gender-based violence prevention, and emergency response procedures must become daily protocols, not incidental slogans. Teacher-student relations demand healthy professional distance. Private messaging outside instructional hours, closed meetings without academic justification, and requests for personal content must be declared prohibited. Boundary clarity narrows the gray space where relationship-based manipulation usually germinates. Community-based monitoring school committees, student

organizations, and parents must be given genuine roles in observing school culture without opening avenues for retaliation against reporting victims.

The prevention dimension requires curricula on sexual literacy grounded in human dignity rather than mere prohibition lists. Children must understand bodily language, the concept of active consent, the right to refuse, and how to seek help. Adequate digital education must address digital footprints, sextortion risks, reporting illegal content, and securing applications and devices. Parents require practical short courses on difficult conversations, early signs of victimization, and responses to disclosure without blame. Teachers require training modules to recognize grooming behavior, respond to reports with empathy, and escalate through internal channels protecting victims.

The influence of alcohol, pornography, and permissive culture will not recede through moral exhortation alone. Authorities must increase cyber patrols, partner with digital platforms to regulate illegal distribution channels, and facilitate anonymous reporting with measurable follow-up. Local governments can design regulations limiting alcohol access within certain radii of schools, monitor sales to children, and impose administrative sanctions that deter. Community approaches religious leaders, youth, and civil organizations can establish new norms rejecting sexual humor, calling out inappropriate gazes and touches, and fostering mutual protection.

Weaknesses appearing in enforcement often originate from workload, insufficient training, and poor inter-agency coordination. Stable collaborative patterns among police, prosecutors, women's empowerment and child protection services, health providers, and social workers will accelerate case handling and minimize secondary trauma. Safe houses must be positioned as genuinely safe transition facilities, not mere addresses. Public communication protocols require care so that public justice needs are met without exposing the identity and experience of victims. Periodic evaluation of court decisions can reveal whether charge enhancements for power relations remain consistent, whether restitution is genuinely awarded, and whether social work supervision for child offenders is arranged without negating victim restoration.<sup>17</sup>

One of the most pressing questions leaves a difficult assignment unanswered: why do incident rates remain stubbornly high even when criminal penalties have become increasingly severe? The answer tends to be multifaceted. Severe punishment without certainty of apprehension diminishes deterrent effects. Unaddressed victim shame reduces reporting rates. A culture of conflict resolution that whitewashes criminal acts provides a shortcut for perpetrators. Sporadic oversight by families and schools leaves the door open. Policy responses must be equally multifaceted: increasing the probability of enforcement, accelerating evidentiary procedures, building social safety nets, and cultivating anti-violence culture from an early age. Substantive justice requires orchestration, not a solo performance.

The Gorontalo experience demonstrates that law enforcement has adopted child-friendly procedures dedicated interview rooms, female investigators, coordinated forensic examinations yet operational barriers persist, ranging from fragmented evidence to victims withdrawing due to external pressure. Internal reforms must proceed in tandem with external strengthening. Administrative mechanisms such as blacklisting of educators convicted of violence, cross-

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<sup>17</sup> Interview with the Head of the PPA Division (Department of Population Control, Family Planning, Women Empowerment and Child Protection, Gorontalo City)

institutional data integration, and educator recruitment oversight serve as additional safeguards to prevent perpetrators from migrating and repeating patterns. Rigorous criminal sanctions must be accompanied by permanent professional sanctions, consistent with the principle that the classroom constitutes an absolute safe zone.

Preventive action demands creativity. Trained peer support networks can serve as early eyes and ears, as children often feel more comfortable confiding in peers. Simplified reporting simulations, awareness posters placed in restrooms, and digital complaint boxes with a maximum 24-hour response window build trust that voices will not disappear into a void. Thematic campaign calendars anti-grooming awareness this month, consent literacy next month create sustained momentum rather than issue-driven fever that quickly subsides. Parents are engaged not merely at report card conferences, but through brief workshops: distinguishing between correction and humiliation, managing family device use, and establishing nightly emotional check-ins.<sup>18</sup>

The recovery of victims must be regarded as equally important as the punishment of perpetrators. Trauma-informed psychotherapy, group support, and family counseling serve to repair the invisible tears in identity. Restitution and compensation must be ensured not to remain merely on paper. Strengthening the economic capacity of victims' families helps prevent situations in which they are compelled to accept "peace" due to financial burdens. Social workers play a bridging role: ensuring that recovery plans continue after the verdict, supporting the child's reintegration into school without stigma, and negotiating curricular adaptations when necessary.<sup>19</sup>

This series of endeavors underscores one fundamental lesson: child protection is not a reactive undertaking that emerges only when cases explode into public consciousness; rather, it constitutes an ecosystem that functions quietly every day. The law serves as a fence and a beacon, not as the singular remedy. Society bears the responsibility of being vigilant eyes and ready hands willing to assist; schools must function as a second home that is genuinely safe; families must provide the first embrace that soothes. Government regulates, trains, and ensures the machinery operates effectively, while law enforcement closes gaps and provides assurance that violations against children's bodies inevitably result in consequences. When all these elements move in concert, the numbers may not vanish instantaneously; nevertheless, the compass needle shifts direction: from permissiveness toward protection, from turning a blind eye toward compassion, from false peace toward restorative justice.

#### **4. Conclusion**

This research demonstrates that safeguarding children from sexual abuse cannot depend exclusively on criminal sanctions. Instead, it necessitates a coordinated policy framework that reinforces mutually supportive mechanisms: evidence-based law enforcement paired with child-sensitive procedures, heightened penalties for offenders in positions of authority coupled with

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<sup>18</sup> Kayus Kayowuan Lewoleba, and Muhammad Helmi Fahrozi. "Studi Faktor-Faktor Terjadinya Tindak Kekerasan Seksual Pada Anak-Anak." *Jurnal Esensi Hukum* 2.1 (2020): 27-48. <https://doi.org/10.35586/esensihukum.v2i1.20>

<sup>19</sup> Silmi Riasah Priyatna, Muhammad Zulfikar, and Muhammad Alridho Lubis. "Konseling Feminis Untuk Pemulihan Korban Kekerasan Seksual." *Teraputik: Jurnal Bimbingan Dan Konseling* 6.3 (2023): 348-354. <https://doi.org/10.26539/teraputik.631371>

professional accountability measures for educators, and comprehensive preventive strategies encompassing digital-sexual literacy initiatives, parental engagement and monitoring, institutional ethical standards within schools, and cyber surveillance targeting predatory content. Empirical analysis conducted in Gorontalo reveals that contributory factors operate in concert including media and pornographic exposure, substance abuse, inadequate parenting structures, and familial cultures prioritizing conflict avoidance while operational constraints, particularly evidentiary gaps and victim disclosure barriers, hinder intervention effectiveness. Thus, punitive measures achieve meaningful impact only when integrated within broader systemic responses: cross-sector institutional collaboration, sustained psychological and medical rehabilitation services, accessible and secure complaint mechanisms, and institutionalized commitment across state, educational, and family sectors to establish children's bodily autonomy and human dignity as inviolable principles.

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