

## Upholding the Best Interests of the Child Principle in Police Investigations of Child Sexual Violence Victims in Indonesia

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### Abstract

Sexual violence against children is a serious crime with long-term effects, requiring legal proceedings that prioritize the interests of children as victims. This study aims to analyse the factors that hinder the realization of the principle of the best interests of the child in the investigation process and to formulate its ideal implementation. The method used is normative legal research with a legislative and case study approach, supplemented by empirical data through interviews with investigators from the South Jakarta Metro Police PPA Unit. The results of the study show that the main obstacles include a lack of understanding among investigators, limited support facilities, the absence of explicit technical SOPs, the influence of conservative culture, and low public legal awareness. This study offers novelty by filling the gap in research on the principle of the best interests of the child specifically for children who are victims of sexual violence, with a focus on the investigation process an aspect that has been more extensively discussed in the context of children as perpetrators or at the trial stage. The implications of this study emphasize the importance of harmonizing regulations, developing technical guidelines based on the protection of children and victims of sexual violence, and enhancing the capacity of law enforcement officials to ensure optimal protection.

## INTRODUCTION

Children are the subject of implementing the hopes of previous generations, so they are entitled to protection that reflects the civilization of the nation. Child protection includes policies and the realization of various rights inherent in children.<sup>1</sup> Every child is guaranteed the right to be protected from violence, including sexual violence, as stipulated in the Child Protection Law.<sup>2</sup> Sexual violence is an unlawful act that contains sexual elements.<sup>3</sup> This type of violence includes *graviera delicta* or the most serious crime. This is because the impact of victimization is very broad and lasts a long time or can be lifelong.<sup>4</sup>

According to data from the Indonesian Child Protection Commission, cases of sexual violence against children have fluctuated from 2016-2024. In 2016 there were 192 cases, decreasing to 188 in 2017 and 182 in 2018. However, it rose again in 2019 to 190, and increased sharply to 419 cases in 2020. Since 2021, the classification has been broken down according to the article of law and the sexual orientation of the perpetrator. There were 859 cases in 2021, 834 cases in 2022, 762 cases in 2023, and 116 cases as of June 2024.<sup>5</sup>

However, it is important to realize that this data only reflects the tip of the iceberg phenomenon.<sup>6</sup> This is because there are still cases that are never reported, not officially recorded, or not processed further.<sup>7</sup> Even so, the existing data can still be an initial illustration that some children are in an unsafe position from sexual violence.<sup>8</sup>

The vulnerability of children as victims of sexual violence shows the urgency of special and comprehensive protection. The government has responded to this through Law No. 35/2014 on Child Protection. This law emphasizes additional protection

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<sup>1</sup> Nashriana, *Perlindungan Hukum Pidana Bagi Anak Di Indonesia* (Depok: Rajawali Pers, 2021)., 3.

<sup>2</sup> Republik Indonesia, "Undang-Undang Nomor 35 Tahun 2014 Tentang Perubahan Atas Undang-Undang Nomor 23 Tahun 2002 Tentang Perlindungan Anak" (2002). Pasal 1 angka 2 dan Pasal 15 huruf f

<sup>3</sup> Maurizka Khoirunnisa, Usep Dayat, and Kariena Febriantini, "Dampak Dan Penanganan Tindak Kekerasan Seksual Pada Ranah Personal," *NUSANTARA: Jurnal Ilmu Pengetahuan Sosial* 9, no. 5 (2022): 1517-22, <https://doi.org/10.31604/jips.v9i5.2022.1517-1522>.

<sup>4</sup> Sifi Masdi, "Ahli Pidana Sebut Kekerasan Seksual Masuk Dalam Kejahatan Paling Serius," *inakoran.com*, 2023, [https://inakoran.com/ahli-pidana-sebut-kekerasan-seksual-masuk-dalam-crimes-most-serious/p45084#google\\_vignette](https://inakoran.com/ahli-pidana-sebut-kekerasan-seksual-masuk-dalam-crimes-most-serious/p45084#google_vignette).

<sup>5</sup> Komisi Perlindungan Anak Indonesia, "Tabulasi Data Pengaduan Komisi Perlindungan Anak Indonesia 2016-2024" (Jakarta, 2024).

<sup>6</sup> Kayus Kayowuan Lewoleba and Muhammad Helmi Fahrozi, "Studi Faktor-Faktor Terjadinya Tindak Kekerasan Seksual Pada Anak-Anak," *Jurnal Esensi Hukum* 2, no. 1 (2020): 27-48, <https://doi.org/10.35586/esensihukum.v2i1.20>.

<sup>7</sup> Yeremia Richardo Napitupulu and Bryan Astro Julio, "Pelecehan Seksual Anak Di Bawah Umur Pada Anak Indonesia," *Jurnal Multidisiplin Indonesia* 2, no. 10 (2023): 3088-95, <https://doi.org/10.58344/jmi.v2i10.582>.

<sup>8</sup> Siswantari Pratiwi, *Perlindungan Hukum Bagi Anak Sebagai Korban Kekerasan Seksual* (Malang: Intelegensia Media, 2023), <https://repository.unkris.ac.id/id/eprint/2235/>.

guarantees for child victims of sexual violence, including in the investigation process, psychosocial assistance, and rehabilitation. Normatively, these provisions already exist to protect child victims of sexual violence, including in the legal process. However, in practice it still leaves a number of problems.

Investigation of criminal acts of sexual violence against children is the initial stage of the criminal law enforcement process.<sup>9</sup> Investigators as part of the police apparatus are at the forefront of this effort.<sup>10</sup> At this stage, the direction of protection and follow-up of the legal process is determined. However, many cases of sexual violence against children are handled slowly, not in accordance with procedures, or even stopped through a letter of termination of investigation (SP3). Often, reports are only followed up after going viral in the media.<sup>11</sup>

One of the important highlights in the investigation process is the termination of the case. This decision is a crucial point that reflects whether or not there is protection for the victim. The reasons used are often insufficient evidence or withdrawal of the report due to peace. A concrete example, in 2023 in Kubu Raya District, West Kalimantan, a case of sexual intercourse against a 7-year-old child was discontinued because the complainant was abroad and the perpetrator was elderly and sick. The request to revoke the report was then followed up under the pretext of restorative justice.

This situation raises the question of the extent to which the protection of child victims of sexual violence is truly pursued in the investigation process. The complexity of this process often results in decisions that weaken protection, making it difficult for child victims to obtain justice, recovery and other rights. This condition shows that the neglect of victims' interests not only often occurs at the prosecution stage and later stages, but also at the fundamental stage, namely the investigation.<sup>12</sup> This indicates that there is a gap between the ideals of the law in protecting child victims of sexual violence and its practice. This reality opens up space to review the concept of protection for child victims of sexual violence, especially in the investigation process.

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<sup>9</sup> Prama Anggara Ikhsan, Fadlan Fadlan, and Idham Idham, "Analisis Yuridis Proses Penyidikan Terhadap Tindak Pidana Penganiayaan Yang Dilakukan Oleh Anak (Studi Penelitian Di Polsek Nongsa)," *Zona Keadilan: Program Studi Ilmu Hukum (S1) Universitas Batam* 10, no. 2 (2020): 1–17, <https://doi.org/10.37776/zkih.v10i2.364>.

<sup>10</sup> Ronny Bona Tua Hutagalung, "Peran Kepolisian Dalam Memberikan Perlindungan Hukum Terhadap Anak Sebagai Korban Tindak Pidana Seksual" (Universitas Pembangunan Nasional Veteran Jakarta, 2021), <http://repository.upnvj.ac.id/id/eprint/13879>.

<sup>11</sup> Arsa Ilmi Budiarti, G N Arianto, and Marsha Maharani, "Data Dan Fakta Kekerasan Seksual Di Indonesia 2021," *Indonesia Judicial Research Society (IJRS)*, vol. 52, 2022, <https://ijrs.or.id/wp-content/uploads/2022/04/Data-dan-Fakta-Kekerasan-Seksual-di-Indonesia-2021-8-Apr-2022.pdf>.

<sup>12</sup> Bambang Waluyo, *Vitikmologi: Perlindungan Korban Dan Saksi* (Jakarta: Sinar Grafika, 2022), 8.

It is important to realize that all efforts to protect child victims of sexual violence should be based on the concept of complete and comprehensive protection, as contained in the Convention on the Rights of the Child (CRC) and Article 2 of the Child Protection Law. Article 3 paragraph (1) of the CRC states that every action against a child must prioritize the best interests of the child. This principle is also emphasized in the Law on Sexual Violence (UU TPKS) which places the interests of the victim as the main principle of legal protection.<sup>13</sup>

Starting from the existing facts, and referring to previous research such as Hadibah Zachra Wadjo et al. who discussed this principle in general without highlighting the investigation process in cases of sexual violence against children. Similarly, Ayriza Nurul Fadhila Tanjung's research focuses more on child perpetrators, without exploring the victim aspect and this principle in the investigation stage, including the obstacles to its application in investigation practice.

This research is clearly different from previous studies, as this research specifically examines the application of this principle to child victims of sexual violence, with an emphasis on the investigation process. This focus presents a new dimension in the study of child protection law, which has so far been discussed more in the context of children as perpetrators or only in the trial stage, and has not touched on the practice of investigation in depth.

This research focuses on examining how the best interests of the child principle is applied in the investigation process of cases of sexual violence against children, as well as the factors that hinder the realization of this principle in practice. This aims to provide comprehensive and holistic protection to child victims sexual violence during the legal process. Given that this case is not only related to procedural law enforcement, but also involves respect for and protection of the basic rights of children at every stage of the investigation.

## **METHOD**

This research uses normative legal methods supported by empirical data to enrich the analysis. The approach used includes a statute approach and a case approach, focusing on the principle of the best interests of the child in the investigation process of cases of sexual violence against children, especially in the context of termination of investigation tested through pretrial decisions. Data sources include primary legal materials in the

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<sup>13</sup> Silvia Cahyadi and Rasji Rasji, "Perspektif Hukum Terhadap Perlindungan Anak Korban Kekerasan Seksual Dalam Undang-Undang Nomor 12 Tahun 2022," *UNES Law Review* 6, no. 4 (2024): 10304–11, <https://doi.org/10.31933/unesrev.v6i4.2004>.

form of laws and regulations and decisions, secondary legal materials such as scientific literature, and tertiary legal materials in the form of dictionaries and encyclopedias. Empirical data was obtained through semi-structured interviews with investigators from the PPA Unit of the South Jakarta Metro Police. Interviews were conducted using a pre-designed guide, taking into account ethical principles, such as informed consent, recording and recording with permission, and maintaining confidentiality. The selection of interviewees was done by purposive sampling, taking into account the relevance of experience, access, availability, and internal institutional procedures, and ensuring that the interviewees were active investigators handling cases of sexual violence against children. Data were analyzed qualitatively through content analysis, with stages including examination, selection, coding, reconstruction, systematization, and deductive analysis. The main themes were drawn from an integrated reading of normative sources and interviewees' statements, then interpreted by looking at the patterns that emerged both in legal construction and in empirical narratives. The results of the analysis are presented in a descriptive- analytical manner.

## **RESULT AND DISCUSSION**

### **1. Factors Affecting the Non-realization of the Best Interest of the Child Principle in the Investigation Process of Child Victims of Sexual Violence**

The success of law enforcement in an ongoing system is not only influenced by the rules, but also the extent to which these provisions are effectively implemented in practice. Law enforcement is the process of harmonizing the values, rules, and standards of behavior that are expected by the government. can guarantee the creation of social peace and order. According to Soerjono Soekanto, there are five main factors that influence law enforcement, namely: the law itself, law enforcement factors, facilities, community factors, and cultural factors. If these five factors do not run synergistically, the law enforcement process will not achieve ideal results.<sup>14</sup>

In the context of this research, these five factors are interrelated and can be used as a framework to understand why the principle of the best interests of the child has not been realized in the investigation process of child victims of sexual violence. This can be seen from the various issues found in the review of pretrial decisions and interviews with investigators.

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<sup>14</sup> Soerjono Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum* (Depok: Raja Grafindo Persada, 2011)., 5-6.

First, legal factors. Normatively, the principle of the best interests of the child and the principle of the best interests of victims of sexual violence are explicitly emphasized in Article 2 of the Child Protection Law Article 2 letter f of the Sexual Violence Crime Law, which requires the legal process to be oriented towards the recovery and protection of victims. In addition, Article 52 of the TPKS Law also emphasizes the importance of this principle in the investigation process against child victims. However, the presence of this principle at the regulatory level has not been followed by a strong and comprehensive implementing instrument. Although the Juvenile Justice System Law also contains a similar principle, its main focus is more directed towards children as perpetrators, so it is not fully relevant in addressing the needs of child victims, especially in the context of sexual violence.

Within the internal regulatory framework of the Indonesian National Police (Polri), this principle is recognized as part of the special rights of children, as stipulated in Article 6 letter f of Chief of Police Regulation (Perkap) No. 8 of 2009 on the Implementation of Human Rights Principles and Standards in the Duties of the Indonesian National Police. This regulation affirms that children who are victims of crime are entitled to special protection or treatment, and that human rights principles must be understood and applied by all police officers, including during the investigation process. This is particularly relevant because sexual violence against children constitutes a violation of human rights. In this context, a human rights-based approach to investigation is crucial to ensure that child victims are protected from revictimization and are granted access to rehabilitation and psychosocial support.<sup>15</sup> However, the provisions remain general and have not yet been translated into technical standard operating procedures (SOPs) that specifically regulate the protection of child victims of sexual violence.

In relation to the standard operating procedures for technical investigations, provisions regarding the principle of the best interests of the child can indeed be found in Appendix I of Perkaba No. 1 of 2022 concerning Standard Operating Procedures for the Implementation of Criminal Investigations. However, these provisions are more centered on children as perpetrators, not fully accommodating the interests of child victims, especially in cases of sexual violence. This shows that there is still a gap in the operationalization of the principle of the best interests of the child in practice.

This condition results in the implementation of the principle towards child victims of sexual violence only depends on the interpretation and initiative of each investigator. As

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<sup>15</sup> Elena Rubini et al., "Forensic Medical Examination after Conflict-Related Sexual Violence: A Scoping Review of the Literature," *Journal of Forensic and Legal Medicine* 106 (2024): 102736, <https://doi.org/10.1016/j.jflm.2024.102736>.

a result, the protection of child victims becomes inconsistent, and even tends to be ignored when administrative constraints or difficulties in proof occur. Legal practitioners from LBH APIK Jakarta also said that the implementation of the TPKS Law still faces serious obstacles. One of them is the absence of technical SOPs and the absence of harmonization between the TPKS Law and other laws such as the Criminal Code, Criminal Procedure Code, and Child Protection Law. This makes it difficult for law enforcement officials to translate the norms in the TPKS Law into consistent practices. Thus, although normatively the protection of child victims has been regulated, the legal system that has not been integrated makes the implementation of the principle of the best interests of the child not optimal.

From one of these factors, it can be concluded that the interference from the rule of law itself, namely because the law does not have implementing regulations or contains provisions that are not clear enough, will make it difficult to be applied effectively. Therefore, the existence of principles in regulations is not enough if it is not accompanied by strong and coordinated implementing instruments. It can be said that normatively the principle of the best interests of the child does exist, but it has not been able to be implemented in the investigation process of child victims of sexual violence.

Second, in terms of law enforcement factors, the role of investigators in the investigation process of child victims of sexual violence plays an important role in ensuring that their rights are protected. This is because child victims play a role in providing information for the benefit of the investigation. For this reason, the process is expected to take place while still prioritizing their best interests. However, the reality is that investigators have not made this principle an explicit reference in dealing with child victims. This can be understood in connection with the field findings that even basic things such as the term best interests for children are not specifically recognized or not familiar by investigators.

This is contradictory to the statement that during the process of handling cases involving children, they refer to Law No. 11/2012 on the Juvenile Criminal Justice System, which explicitly states that one of the main principles in handling children's cases is the principle of the best interests of the child. However, based on the findings, in daily practice, the protection of children is still reflected, one of which is through attention to the psychological condition of the victim. This is in line with Article 69A of the Child Protection Law regarding the provision of special protection for child victims of sexual violence in the form of psychosocial assistance which can be carried out through the involvement of UPTP3A as carried out by investigators of the South Jakarta Metro Police.

Based on the findings, it can be said that the involvement of psychologists is a concrete example that child protection values are still being pursued, even though it is not directly understood as part of the principle. However, it is also important to realize that the aspect of the best interests of the child has not been used as a guideline that must be internalized at every stage of the investigation process, but is only partially understood, especially as a form of attention to the child's psychology through the involvement of a psychologist. Based on this law enforcement theory, law enforcers are key actors that determine whether or not legal norms are implemented. In this case, the weak internalization of the best interests of the child principle by investigators reflects the low understanding of fundamental values in handling cases of child victims of sexual violence. This could be due to a lack of specialized training or limited institutional attention to child protection aspects of investigations.

This problem of unstructured understanding can indirectly have implications for the inconsistent application of protection, as was the case in Pre-Trial Decision No. 1/Pid.Pra/2022/PN Meureudu regarding the validity of the termination of investigation in a case of sexual violence against a child. In the decision, the failure of the case investigation process found that during the process, although there had been assistance for the victim's child case by P2TP2A Pidie Jaya, the involvement of a psychologist for the victim's child was only carried out after a direction from the public prosecutor, not as an initial step initiated by the investigator. This reflects that the protection of children is not used as a framework from the beginning of the investigation process, but only a response to the next legal stage. Therefore, the problem of law enforcement factors in this context is not only a matter of technical implementation, but also concerns the weak integration of child protection values in the perspective of the investigators themselves.

Third, the facilities factor is a supporting part of the investigation that favors the protection of child victims by creating a safe space and things that victims need. Supporting facilities can basically be interpreted as tools or means used to achieve a goal. The main scope includes physical facilities that act as supporting elements, and includes other elements such as an educated and skilled workforce, an organized organizational system, adequate equipment, sufficient financial support, and other similar aspects. Based on the results of the research, there are still limited supporting facilities such as psychological assistance during the investigation process.

The lack of access to psychologist services from the early stages of the investigation also affects the quality of taking testimony from child victims. When psychological assessments are not carried out early on, the mental condition of victims who are still under pressure or experiencing trauma, in this case, is often not detected thoroughly. As



a result, investigators may judge that the victim's statement is inconsistent or changing, without considering the psychological aspects that influence the way children convey their traumatic experiences. This can be seen in Pre-Trial Decision No. 1/Pid.Pra/2022/PN Meureudu, where one of the reasons for terminating the investigation was the inconsistency of the victim's statement.<sup>16</sup> In this case, if a psychological assessment was conducted from the beginning, the investigator could understand that the change in the child's narrative was not merely due to lack of credibility, but could be due to trauma. This means that without adequate support facilities, the legal process is not only not child-friendly, but also has the potential to harm victims and fail to fulfill the principle of the best interests of the child.

Fourth, the community factor is that the position of the community in this case is not only considered as an object of law recipients, but also acts as an element that contributes to the success of the law enforcement process itself.<sup>17</sup> For this reason, the community also influences the realization of the best interests of child victims of sexual violence in the investigation process. However, in some cases the community also participates in hindering the achievement of child victim protection. This can be seen from the application of restorative justice and the reporting of cases that take a long time from the incident. In some cases, this practice is still found and occurs in cases of sexual violence, such as in Decision 2/Pid.Pra/2022/PN Sei Rampah that the investigation was stopped after an amicable process between the perpetrator and victim, even though the process was procedurally flawed because it did not involve the child's legal guardian.

In this context, the application of restorative justice without the involvement of the child's legal guardian reflects that the community has not become a safe and supportive environment for child victims of sexual violence. Instead of being a supporter of child protection, the community in this situation can actually contribute to the termination of investigations that harm children. In addition, the lack of legal awareness in the community also affects the delay in reporting cases of sexual violence against children cases. This delay has an impact on the investigation process, which becomes increasingly difficult. This being said, the strength of material evidence tends to weaken over time. This is reflected in Pre-Trial Decision No. 1/Pid.Pra/2022/PN Meureudu, where the length of the gap between the occurrence of the incident and the time of reporting was

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<sup>16</sup> Muhammad Afiful Jauhani et al., "Pemeriksaan Kedokteran Forensik Pada Kasus Kekerasan Seksual Pascapemberlakuan Undang-Undang Republik Indonesia Nomor 1 Tahun 2023," *Jember Medical Journal* 2, no. 2 (2023): 115–31, <https://journal.unej.ac.id/JMJ/article/view/462>.

<sup>17</sup> Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*.

used as an excuse to stop the investigation by the investigator, citing the lack of evidence and inconsistencies in the victim's testimony.

Fifth, cultural factors are factors that are basically united with community factors. However, it is distinguished because culture is related to the system of values underlying the law. Legal culture includes abstract values that are considered good or bad, such as the balance between order and tranquility. These values must be harmonized for the law to be effective. In relation to cases of child victims of violence at the investigation stage, there is a problem in practice that cultural values that are still conservative influence the perspective of investigators in categorizing acts of sexual violence against children.

Field findings show that investigators tend to distinguish between the terms "sexual violence" and "sexual intercourse" or "defilement of a child", assuming that the term sexual violence is more relevant for adult victims. Such classifications reflect limitations in progressive legal understanding. It is argued that if the definition of sexual violence is narrowed to only these two acts, investigators may have difficulty in identifying and handling other forms of sexual violence that are expressly regulated in the TPKS Law, such as non-physical sexual harassment, forced use of contraception, and electronic-based sexual violence. As a result, the scope of legal protection for child victims becomes narrow, and other forms of sexual violence that have been explicitly regulated in the TPKS Law can be neglected.

The five factors above show that the non-realization of the best interests of children is not only caused by weaknesses in one aspect, but also problems involving structure, understanding, facilities, and social and cultural pressures.

## **2. Ideal Implementation of the Best Interest of the Child Principle in the Investigation Process of Child Victims of Sexual Violence**

In legal studies, the terms principles and principles are often used interchangeably despite conceptual differences. In general, both refer to the normative basis on which decisions or actions are made. In international law, principle covers a wide range of meanings - not only as a philosophical value, but also as a technical implementation guide. The principle of the best interests of the child, both as a principle, principle and right, has been internalized in various national and international legal instruments as a form of commitment to child protection.

In the context of Indonesian law, this principle appears in various regulations such as Article 2 of the Child Protection Law and Article 2 and Article 52 of the Sexual Violence Crime Law (TPKS Law). However, the application of this principle in the investigation process has not been fully realized concretely. Based on the findings of this study, the implementation of the best interests of the child principle in investigations is still

normative and administrative, without being truly internalized in the technical actions of investigators. Although there are regulations such as Perkap No. 8/2009, the principle of child protection has not yet become the main binding framework in the operation of the investigation

Ideally, this principle should be internalized into the standard operating procedures (SOP) of the investigation so that every stage of the legal process against child victims of sexual violence truly reflects the protection and recovery of victims. One concrete form is the involvement of a psychologist from the beginning of reporting, not just during the examination. However, Decision No. 1/Pid.Pra/2022/PN Meureudu shows that the involvement of a psychologist was only carried out at the direction of the prosecutor, not at the initiative of the investigator. This shows a lack of technical awareness in applying the best interests of the child principle.

There is also a lack of understanding in the application of restorative justice in cases of sexual violence against children. Decision 2/Pid.Pra/2022/PN Sei Rampah shows that the SP3 was issued on the basis of peace, even though the case was a common offense and involved a child victim. This is contrary to the principle of child protection and risks exacerbating revictimization. Although investigators acknowledged that RJ should not be used in these cases, the regulatory loopholes that still allow for RJ applications indicate a lack of technical clarity limiting the practice.

The principle of the best interests of the child in the Child Protection Law and the principle of the best interests of the victim in the TPKS Law have the same essential intersection. Both should be the main reference in investigations, especially when children are victims of sexual violence. However, the lack of operational integration of these principles has led to loopholes in interpretation that have the potential to harm victims, including in terms of revoking reports or requesting peace.

The ideal investigation of child victims of sexual violence should not stop at formalistic and administrative approaches, but should be oriented towards the protection and recovery of victims. For this reason, a fundamental first step is to internalize the principle of the best interests of the child into the operational standards of the investigation, strengthen training for investigators, and ensure the active involvement of supporting institutions. Synchronization between the principles in the TPKS Law and the Child Protection Law needs to be realized not only at the normative level, but also as an operational framework that must be adhered to at every stage of the investigation. Thus, the best interest principle is not just a symbol, but is truly alive in criminal justice practice.

## CONCLUSION

This study shows that the implementation of the best interests of the child principle in the investigation process involving child victims of sexual violence remains suboptimal. This condition is driven by several interrelated factors. In terms of law enforcement, investigators have not fully understood or internalized the principle as a core foundation in the investigative process, leading to partial and inconsistent application. Regarding facilities, the lack of supporting infrastructure—such as psychological services and child-friendly interview rooms—can negatively affect the psychological stability of victims and compromise the accuracy of their testimony. Legally, although this principle is recognized in various regulations, there are no technical provisions that explicitly mandate its application in the investigation of child victims. Socially, low public legal awareness and the prevalence of informal settlements often lead to delayed reporting and premature termination of investigations. Culturally, conservative perspectives continue to narrow the classification of sexual violence, causing investigators to overlook certain forms of violence already defined under the TPKS Law. The implications of this study emphasize the importance of harmonizing regulations, developing technical guidelines based on the protection of children and victims of sexual violence, and enhancing the capacity of law enforcement officials to ensure optimal protection. To that end, this study recommends strengthening the legal framework, revising operational standards in favor of victim protection, providing continuous training for investigators, and formally integrating both the best interests of the child and the best interests of the victim as operational guidelines in every stage of the investigative process.

## REFERENCES

- Budiarti, Arsa Ilmi, G N Arianto, and Marsha Maharani. "Data Dan Fakta Kekerasan Seksual Di Indonesia 2021." *Indonesia Judicial Research Society (IJRS)*. Vol. 52, 2022. <https://ijrs.or.id/wp-content/uploads/2022/04/Data-dan-Fakta-Kekerasan-Seksual-di-Indonesia-2021-8-Apr-2022.pdf>.
- Cahyadi, Silvia, and Rasji Rasji. "Perspektif Hukum Terhadap Perlindungan Anak Korban Kekerasan Seksual Dalam Undang-Undang Nomor 12 Tahun 2022." *UNES Law Review* 6, no. 4 (2024): 10304–11. <https://doi.org/10.31933/unesrev.v6i4.2004>.
- Hutagalung, Ronny Bona Tua. "Peran Kepolisian Dalam Memberikan Perlindungan Hukum Terhadap Anak Sebagai Korban Tindak Pidana Seksual." Universitas Pembangunan Nasional Veteran Jakarta, 2021. <http://repository.upnvj.ac.id/id/eprint/13879>.

- Ikhsan, Prama Anggara, Fadlan Fadlan, and Idham Idham. "Analisis Yuridis Proses Penyidikan Terhadap Tindak Pidana Penganiayaan Yang Dilakukan Oleh Anak (Studi Penelitian Di Polsek Nongsa)." *Zona Keadilan: Program Studi Ilmu Hukum (S1) Universitas Batam* 10, no. 2 (2020): 1-17. <https://doi.org/10.37776/zkih.v10i2.364>.
- Indonesia, Komisi Perlindungan Anak. "Tabulasi Data Pengaduan Komisi Perlindungan Anak Indonesia 2016-2024." Jakarta, 2024.
- Indonesia, Republik. Undang-Undang Nomor 35 Tahun 2014 tentang Perubahan atas Undang-Undang Nomor 23 Tahun 2002 tentang Perlindungan Anak (2002).
- Jauhani, Muhammad Afiful, Thifal Antira Puspita, Chivalery Adita Afwiliana, Qinthar Layalia Faza, and Ineza Fadia Tinelo. "Pemeriksaan Kedokteran Forensik Pada Kasus Kekerasan Seksual Pascapemberlakuan Undang-Undang Republik Indonesia Nomor 1 Tahun 2023." *Jember Medical Journal* 2, no. 2 (2023): 115-31. <https://journal.unej.ac.id/JMJ/article/view/462>.
- Khoirunnisa, Maurizka, Usep Dayat, and Kariena Febriantini. "Dampak Dan Penanganan Tindak Kekerasan Seksual Pada Ranah Personal." *NUSANTARA: Jurnal Ilmu Pengetahuan Sosial* 9, no. 5 (2022): 1517-22. <https://doi.org/10.31604/jips.v9i5.2022.1517-1522>.
- Lewoleba, Kayus Kayowuan, and Muhammad Helmi Fahrozi. "Studi Faktor-Faktor Terjadinya Tindak Kekerasan Seksual Pada Anak-Anak." *Jurnal Esensi Hukum* 2, no. 1 (2020): 27-48. <https://doi.org/10.35586/esensihukum.v2i1.20>.
- Masdi, Sifi. "Ahli Pidana Sebut Kekerasan Seksual Masuk Dalam Kejahatan Paling Serius." *inakoran.com*, 2023. [https://inakoran.com/ahli-pidana-sebut-kekerasan-seksual-masuk-dalam-crimes-most-serious/p45084#google\\_vignette](https://inakoran.com/ahli-pidana-sebut-kekerasan-seksual-masuk-dalam-crimes-most-serious/p45084#google_vignette).
- Napitupulu, Yeremia Richardo, and Bryan Astro Julio. "Pelecehan Seksual Anak Di Bawah Umur Pada Anak Indonesia." *Jurnal Multidisiplin Indonesia* 2, no. 10 (2023): 3088-95. <https://doi.org/10.58344/jmi.v2i10.582>.
- Nashriana. *Perlindungan Hukum Pidana Bagi Anak Di Indonesia*. Depok: Rajawali Pers, 2021.
- Pratiwi, Siswantari. *Perlindungan Hukum Bagi Anak Sebagai Korban Kekerasan Seksual*. Malang: Intelegensia Media, 2023. <https://repository.unkris.ac.id/id/eprint/2235/>.
- Rubini, Elena, Martina Valente, Giulia Sguazzi, Monica Trentin, Luca Ragazzoni, and Sarah Gino. "Forensic Medical Examination after Conflict-Related Sexual Violence: A Scoping Review of the Literature." *Journal of Forensic and Legal Medicine* 106 (2024): 102736. <https://doi.org/10.1016/j.jflm.2024.102736>.
- Soekanto, Soerjono. *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*. Depok: Raja Grafindo Persada, 2011.

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Waluyo, Bambang. *Vitikmologi: Perlindungan Korban Dan Saksi*. Jakarta: Sinar Grafika, 2022.