

Society, Technology, and Child Protection: Synergy in Monitoring Former Perpetrators of Sexual Offenses

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Abstract

Children are important national asset who require special protection from all forms of violence, including sexual crimes. Although Indonesia has established legal framework at both national and international levels, sexual violence against children remains a persistent problem. The imposition of severe criminal sanctions, including chemical castration, has not sufficiently addressed the problem and produced an optimal deterrent effect. Consequently, child protection continues to face various challenges, particularly in relation to post-sentencing supervision of offenders, low public awareness, and limited access to victim assistance services. The research questions of this study are: how effective is the legal protection for child victims of sexual violence, and what constitutes an effective supervisory model for offenders after serving their sentences in order to prevent recidivism? This study employs legal research with a socio-legal approach, combining normative juridical analysis with perspectives from information technology and social sciences. The findings indicate the need to strengthen post-sentencing supervision through the development of a Three-Pillar Supervision Model that integrates legal, technological, and societal dimensions. This model includes the optimization of technologies such as GPS tracking and public databases, the strengthening of regulatory frameworks, and the societal involvement in early detection mechanisms. The implementation of this model is expected to reduce the risk of recidivism and strengthen sustainable protection for children. Accordingly, reform of the child protection system must be carried out in a collaborative, preventive, and sustainable manner to ensure justice and security for future generations.

Keywords: Child Protection; Post-Release Monitoring; Sexual Violence; Society; Technology.

1. INTRODUCTION

Children are a divine endowment whose presence constitutes not only a blessing for families but also a trust borne by the state and society. As members of the nation's future generation, children play a strategic role in shaping the direction of national development. Accordingly, the state bears both a constitutional and moral obligation to ensure comprehensive child protection, encompassing the fulfillment of their rights, adequate physical and mental care, proper upbringing, and protection from all forms of violence, exploitation, neglect, and discrimination. Every child is born with inherent dignity and full human worth, endowed with fundamental rights that are inalienable and non-derogable. These rights must be upheld, respected, and safeguarded by all individuals, institutions, and state organs. The neglect of children's rights undermine the foundation of a nation's future. Therefore, ensuring that children are able to grow and develop

within a safe, healthy, and nurturing environment constitutes a collective responsibility that cannot be deferred or compromised¹. Children are central to of the nation's future generations fundamentally determines a country's progress. The better the condition of children in terms of education, health, and overall well-being, the greater the nation's potential for development. Children represent the future of the state, and providing them with adequate attention is tantamount to ensuring national advancement in the years to come.² This principle is affirmed in the 1945 Constitution of the Republic of Indonesia as well as in the United Nations Convention on the Rights of the Child.

The Convention on the Rights of the Child constitutes the most comprehensive legal and human rights instrument for the promotion and protection of children's rights.³ Indonesia, as a member state of the United Nations, ratified the Convention on the Rights of the Child⁴ through Presidential Decree No. 36 of 1990 dated 25 August 1990, affirming the state's commitment to respect and ensure the fulfillment of children's rights without discrimination within the jurisdiction of the Republic of Indonesia⁵. Indonesian positive law also provides a definition of a child, as stipulated in Law of the Republic of Indonesia No. 35 of 2014 concerning the Amendment to Law No. 23 of 2002 on Child Protection. Pursuant to Article 1(1) of the Child Protection Law, a child is defined as any person under the age of 18 (eighteen) years, including a child who is still in utero.⁶ The exposition is further reinforced by UNICEF's position, which grounds its theoretical framework on children's rights in the Convention on the Rights of the Child (CRC), adopted by the United Nations General Assembly on 20 November 1989. This Convention represents the most widely ratified international human rights treaty in history. At its core, UNICEF's rights-based framework, derived from the CRC, encompasses the following fundamental principles⁷.

Under the CRC, a child is defined as any person below the age of 18, unless of a particular country establishes a lower age of majority. The Convention on the Rights of the Child (CRC) classifies children's rights into four principal categories:

- a. Survival Rights: These rights encompass the right to life, survival, and the highest attainable standard of health and access to medical services. They further include the right to adequate nutrition and access to clean water (CRC, Article 6, along with the general principles underpinning survival-related rights).
- b. Protection Rights: These rights ensure that children are safeguarded from all forms of violence, neglect, exploitation, discrimination, trafficking, abuse, and armed conflict (CRC, inter alia, Article 19 on protection from violence and Article 32 on protection from economic exploitation).
- c. Development Rights: These rights guarantee children's access to education, recreation, information, and an environment that support their optimal physical, mental, spiritual,

¹ Suryo Sakti Hadiwijoyo, *Pengarusutamaan Hak Anak Dalam Anggaran Publik* (Yogyakarta: Graha Ilmu, 2015).

² A Fikrina et al., "Pemenuhan Hak Pendidikan Anak Berkonflik Dengan Hukum Dalam Sistem Peradilan Pidana Anak Di Indonesia," *Jurnal Pendidikan* ... 7, no. 3 (2023): 32631–36, <https://www.jptam.org/index.php/jptam/article/view/13844%0Ahttps://www.jptam.org/index.php/jptam/article/download/13844/10650>.

³ Muhammad Azil Maskur, "Perlindungan Hukum Terhadap Anak Nakal (Juvenile Delinquency) Dalam Proses Acara Pidana Indonesia," *Pandecta: Research Law Journal* 7, no. 2 (2012): 172.

⁴ Zandy Wulan Ayu Widhi Prameswari, "Ratifikasi Konvensi Tentang Hak-Hak Anak Dalam Sistem Peraturan Perundang-Undangan Di Indonesia," *Yuridika* 32, no. 1 (2017): 167, <https://doi.org/10.20473/ydk.v32i1.4842>.

⁵ Imam Subaweh Arifin and Umi Rozah, "Konsep Doli In Capax Terhadap Anak Yang Berhadapan Dengan Hukum Di Masa Depan," *Jurnal Pembangunan Hukum Indonesia* 3, no. 1 (2021): 1–17, <https://doi.org/10.14710/jphi.v3i1.1-15>.

⁶ Nurini Aprilianda et al., "Re-Conceptualizing Child Victim Rights : A Normative and Comparative Analysis of Victim Impact Statement in Indonesia 's Juvenile Justice System," *Jambura Law Review* 7, no. 02 (2025): 442–67, <https://doi.org/http://dx.doi.org/10.33756/jlr.v7i2.30132>.

⁷ UNICEF, "Konvensi Hak Anak: Versi Anak Anak," UNICEF § (1990).

moral, and social development (CRC, inter alia, Article 28 on education and Article 31 on recreation).

- d. Participation Rights: These rights recognize the child's capacity to be heard and to express views in all matters affecting them, in accordance with their age and level of maturity. They include the freedoms of expression, thought, belief, association, and peaceful assembly (CRC, inter alia, Article 12 on the right to be heard, Article 13 on freedom of expression, Article 14 on freedom of thought, conscience, and religion, and Article 15 on freedom of association and peaceful assembly).

General Principles of the Convention on the Rights of the Child (CRC): In addition to the four principal pillars categories, the CRC is underpinned by four fundamental principles that guide the interpretation and implementation of all children's rights:

- a. Non-Discrimination: Every child is entitled to enjoy all rights set forth in the CRC without discrimination of any kind, regardless of race, sex, language, religion, political or other opinion, ethnic or social origin, economic status, disability, birth, or other status (Article 2).
- b. Best Interests of the Child: In all actions concerning children, whether undertaken by public or private institutions, the best interests of the child shall be a primary consideration (Article 3).
- c. Right to Life, Survival, and Development: Every child has inherent right to life, and the State is obligated to ensure, to the maximum extent possible, the survival and development (Article 6).
- d. Respect for the Views of the Child: Children have the right to express their views freely in all matters affecting them, and those views must be given due weight in accordance with the child's age and level of maturity (Article 12).

UNICEF seeks to ensure that governments and societies fulfill their commitments to the realization of children's rights. These efforts are carried out through advocacy for legal and policy reform, the implementation of public awareness campaigns, and the provision of programmatic support across various countries to enhance child welfare and safeguard their rights⁸. Notwithstanding the existence of a comprehensive legal framework, crimes against children particularly sexual violence continue to occur at levels in practice. This is substantiated by data from the Ministry of Women's Empowerment and Child Protection regarding violence against children: ⁹

Number of Cases: A total of 28,831 cases of violence against children were recorded throughout 2024.

a. Girls: 24,999 cases

b. Boys: 6,228 cases

Types of Violence:

a. Sexual Violence: 2,363 cases (34.8 %)

b. Psychological, Physical, and Economic Violence: The remaining cases

Sexual crimes against children constitute one of the most serious forms of criminal offences, inflicting profound harm not only on the victims but also generating far-reaching consequences for families and society. These impacts can significantly impair children's mental and emotional development, which should occur within a safe and supportive environment. In addition, such crimes may result in physical harm and pose substantial

⁸ Ulvi Rohmatul Musyayyadah, "Challenging Legal Injustice against Children in Incest Cases : A Progressive and Islamic Human Rights Approach," *De Jure: Jurnal Hukum Dan Syar'iah* 17, no. 2 (2025): 675–96.

⁹ Joko Susanto, "Data Kementerian PPPA: Kekerasan Anak Capai 28.831 Kasus Pada 2024," Kementerian Pemberdayaan Perempuan dan Perlindungan Anak, 2024, https://www.nu.or.id/amp/nasional/data-kementerian-pppa-kekerasan-anak-capai-28-831-kasus-pada-2024-npRIs?utm_source=chatgpt.com.

risks to the child's future well-being¹⁰. Sexual crimes against children encompass all sexual acts perpetrated against children that violate their rights and compromise their physical and psychological well-being. This includes sexual abuse, sexual exploitation, and other forms of sexual violence.

According to Soerjono Soekanto, sexual offences are acts that contravene prevailing norms of decency and morality within society. Such conduct may take the form of indecent acts or sexual harassment, including those committed against children¹¹. Satjipto Rahardjo posits that sexual crimes constitute acts that are contrary to moral values and social norms governing sexual relations, including those involving children, who must be afforded both legal and moral protection from all forms of sexual exploitation and abuse¹². Sexual crimes against children include all forms of sexual conduct that violate children's rights and undermine their welfare, as well as their physical and psychological development. This includes sexual abuse, exploitation, and other forms of sexual violence.

A case of sexual violence perpetrated by a religious teacher in Bandung against several of his students has shocked the public and once again underscored the urgency of strengthening child protection within religious educational settings. The perpetrator, who was expected to serve as both a guardian and a role model, instead abused the trust of parents and children to commit reprehensible acts. The modus operandi in such cases typically involves manipulation, coercion, and persuasion, exploiting the perpetrator's position of authority and the victim's vulnerability. This incident has generated profound concern and prompted all stakeholders to reinforce oversight mechanisms and enhance education on sexual violence, not only within the family and formal education sectors but also in non-formal institutions such as Islamic boarding schools and Qur'anic learning centers. The handling of this case necessitates a firm legal response to ensure justice for the victims, while simultaneously prioritizing victim rehabilitation and implementing comprehensive preventive measures to ensure that similar incidents do not recur in the future¹³.

The court imposed the death penalty on the perpetrator based on philosophical, juridical, and sociological perspectives: ¹⁴

a. Philosophical Considerations

The court considered that the defendant's conduct was not an isolated act of rape, but rather:

1. repeated and aggravated pattern of sexual violence;
2. targeted children/female students (*santriwati*) who are legally and morally entitled to special protection;
3. was perpetrated by an individual occupying a position as an educator/religious authority, thereby involving a clear breach of trust;
4. resulted in extraordinary suffering, including psychological trauma, pregnancy, the birth of children, and enduring social stigma.

¹⁰ Abdul Rahman, Zainal Amin Ayub, and Ratnawati, "Legal Framework for Protecting Children from Commercial Sexual Exploitation," *Volksgesist* 8, no. 1 (2025): 87–110, <https://doi.org/10.24090/volksgesist.v8i1.13156>.

¹¹ Soerjono Soekanto, *Sosiologi Suatu Pengantar* (Jakarta: Raja Grafindo Persada, 2010).

¹² Satjipto Rahardjo, *Ilmu Hukum* (Bandung: Citra Aditya Bakti, 2008).

¹³ Fabio Maria Lopes Costa, "Hari Anak Yang Menyedihkan, 12 Anak Jadi Korban Kekerasan Seksual Guru Ngaji Di Bandung Raya," *Kompas*, 2025.

¹⁴ Mahkamah Agung Republik Indonesia, "Putusan Mahkamah Agung Nomor 5642 K/Pid.Sus/2022 Atas Nama Terdakwa Herry Wirawan Alias Heri Bin Dede" (Jakarta: Kepaniteraan Mahkamah Agung Republik Indonesia, 2022).

From a philosophical perspective, the court's reasoning appears to reflect retributive theory, particularly proportional punishment, as well as deterrence. In its reasoning, it emphasized that the punishment must produce a deterrent effect and serve as an example to prevent others from committing similar offences. Accordingly, the death penalty was regarded as the "ultimate punishment" to satisfy the sense of justice of both the victims and society.

b. Juridical Considerations

The court based its decision on the following legal provisions:

1. Article 81 paragraphs (1), (3), and (5) in conjunction with Article 76D of the Child Protection Law (Law No. 23 of 2002 as amended by Law No. 35 of 2014 and Law No. 17 of 2016);
2. Article 65 paragraph (1) of the Indonesian Criminal Code (KUHP);
3. the doctrine of concurrence of offences (*concursum*).

Article 81 paragraph (5) provides for aggravated penalties where the perpetrator is¹⁵:

1. Parents;
2. Guardians;
3. Caregivers;
4. Educators;
5. Or educational personnel.

Heryanto qualified as an educator/caregiver, thereby fulfilling the aggravating circumstances under the child protection law. In addition:

1. There were multiple victims;
2. The offences were committed repeatedly;
3. Serious consequences ensued, including pregnancy and the birth of children;
4. Elements of deceit, violence, and abuse of power relations were present.

From a juridical standpoint, the appellate court found that the Bandung District Court's decision did not adequately reflect the gravity of the legal and social consequences, and was therefore revised to impose the death penalty.

c. Sociolegal Considerations

These considerations relate to the broader social impact of the case on the community. The case gave rise to:

1. Widespread national public concern;
2. A decline in public trust in educational institutions, particularly Islamic boarding schools;
3. Social pressure and stigma experienced by the victims and the children born as a result of the offences;
4. Strong public demands for the imposition of the maximum penalty.

The court appeared to take into account the "sense of justice" prevailing in society, given that the case attracted nationwide attention. From a sociological perspective, the death penalty was perceived as:

1. A means of protecting society;
2. An affirmation of the State's firm stance against serious sexual crimes against children;
3. An instrument to restore public confidence in the legal system.

The 2014 sexual abuse case at Jakarta Intercultural School (JIS) became one of the most controversial cases in Indonesia's education sector. This was partly because

¹⁵ Faris Fachrizal Jodi, "OBSTRUCTION OF JUSTICE DALAM UPAYA PENEGAK HUKUM," *Jurnal Litigasi* 25, no. 1 (2024): 110–23, <https://doi.org/http://dx.doi.org/10.23969/litigasi.v25i1.10389>.

it involved a prestigious international educational institution and implicated multiple parties. The case first came to public attention when a parent reported that their child had allegedly experienced sexual violence within the school environment. Initial investigations focused on several school janitorial staff members, who were later arrested, prosecuted, and convicted.

However, the case evolved into an increasingly complex and controversial matter when subsequent investigations implicated two JIS teachers, namely Neil Bantleman, a Canadian national, and Ferdinand Tjong, an Indonesian national. Both were alleged to have been involved in the commission of the sexual offences. The judicial proceedings concerning these two individuals were marked by a series of conflicting decisions: at the trial level they were found guilty, subsequently acquitted on appeal, and later convicted again at the cassation stage before the Supreme Court. Ultimately, in 2019, the Supreme Court granted judicial review, declared both individuals not guilty, and ordering their release. This case highlights the complexity inherent in handling sexual violence cases, particularly with regard to evidentiary challenges, the reputational impact on educational institutions and individuals involved, and the pressing need for legal certainty. Moreover, the case sparked extensive public debate concerning safety standards within school environments, the importance of fair and transparent judicial processes, and the urgent necessity of strengthening child protection mechanisms in educational settings.¹⁶

In Decision No. 2658K/PID.SUS/2015, the court imposed a sentence of imprisonment based on philosophical, juridical, and sociological considerations:¹⁷

a. Philosophical Considerations

The court emphasized the protection of children and the realization of justice for the victims in imposing criminal liability upon the defendant.

b. Juridical Considerations

The court found that the testimonies of the victims and their parents, supported by medical examination reports (*visum et repertum*) and expert opinions, were sufficient to establish the defendant's guilt.

c. Sociological Considerations

The case generated significant public concern and received international attention. The court took into account the importance of safeguarding children and maintaining public trust in educational institutions.

This underscores the need for a comprehensive approach that does not rely solely on repressive measures but also incorporates preventive and pre-emptive strategies involving broader societal actors. The active participation of the community, government, and families is essential, both in preventing the occurrence of sexual violence and in supporting the recovery process of victims. One case involved the abduction of a child by a former convict who had previously been sentenced for sexual abuse against a minor. Although the perpetrator was eventually apprehended and sentenced to imprisonment, the incident raised serious concerns regarding the inadequacy of preventive mechanisms and the monitoring of sexual offenders, particularly following their reintegration into society.¹⁸

¹⁶ ANT, "Terbukti Cabuli Murid, MA Perberat Hukuman Dua Guru JIS," *Hukumonline.Com*, 2016.

¹⁷ Mahkamah Agung Republik Indonesia, "Putusan Mahkamah Agung Nomor 2658 K/Pid.Sus/2015 Atas Nama Terdakwa Robert Tantular, MBA" (Jakarta: Kepaniteraan Mahkamah Agung Republik Indonesia., 2016).

¹⁸ Nur Afdhaliyah, Ismansyah, and Fadhillah Sabri, "KEPASTIAN HUKUM DALAM MEMBERIKAN PERLINDUNGAN HUKUM TERHADAP ANAK SEBAGAI KORBAN TINDAK PIDANA PENCABULAN," *Jurnal IUS Kajian Hukum dan Keadilan* 6, no. 3 (2018): 482–97, <https://doi.org/https://doi.org/10.29303/ius.v6i3.578>.

In practice, Indonesia has established a comprehensive legal framework in the field of child protection, ranging from statutes to government regulations and ministerial regulations. One notable example is the amendment to the Child Protection Law through Law No. 35 of 2014 on Child Protection, which was subsequently complemented by the enactment of Law No. 12 of 2022 on Sexual Violence Crimes. In addition, Government Regulation No. 65 of 2005 concerning the Implementation of Child Protection, as well as Minister of Women's Empowerment and Child Protection Regulation No. 3 of 2023 on the Administration of Concurrent Government Affairs in the Field of Women's Empowerment and Child Protection, further affirm the State's commitment.

However, the effectiveness of these regulatory frameworks is highly contingent upon their implementation and supervision in practice. Although legal provisions concerning the monitoring of sexual offenders after the completion of their sentences already exist at the normative level, their enforcement remains suboptimal. The absence of an adequate monitoring system gives rise to significant risks, as offenders may potentially reoffend upon reintegration into society. This condition underscores the urgency of developing a supervisory model that does not rely solely on law enforcement authorities, but also optimizes community participation and leverages technological support as effective and sustainable instruments of oversight.¹⁹

At this point, society, technology, and law become pivotal interdependent elements that in establishing an effective post-release-monitoring system for sexual offenders. Society functions as the frontline of social oversight, technology serves as an instrument for detection and reporting, and law provides the binding regulatory framework. These three components must be systematically integrated. The utilization of information technology, national databases, and community-based digital reporting systems offers a modern and adaptive solution to support supervisory mechanisms in the digital era.

From a societal perspective, community engagement in social monitoring systems is essential. Citizens must be equipped with legal literacy and a strong understanding of the imperative of child protection. Through active participation in neighborhood forums, educational institutions, and other social organizations, early detection of potential threats can be collectively undertaken. At the same time, the government bears the responsibility of ensuring that child protection institutions, at both local and national levels, function effectively and operate in synergy with law enforcement agencies and the broader community.

From a technological standpoint, regulated offender databases, early warning systems, and location-based tracking applications may serve as initial measures in developing a monitoring system for former sexual offenders. Information technology can be used to monitor offenders' movements, disseminate relevant information through lawful channels, and provide continuous education to society²⁰. Nevertheless, the deployment of technology must be carefully calibrated to account for ethical considerations and human rights safeguards, in order to avoid excessive stigmatization of individuals who have completed their sentences.

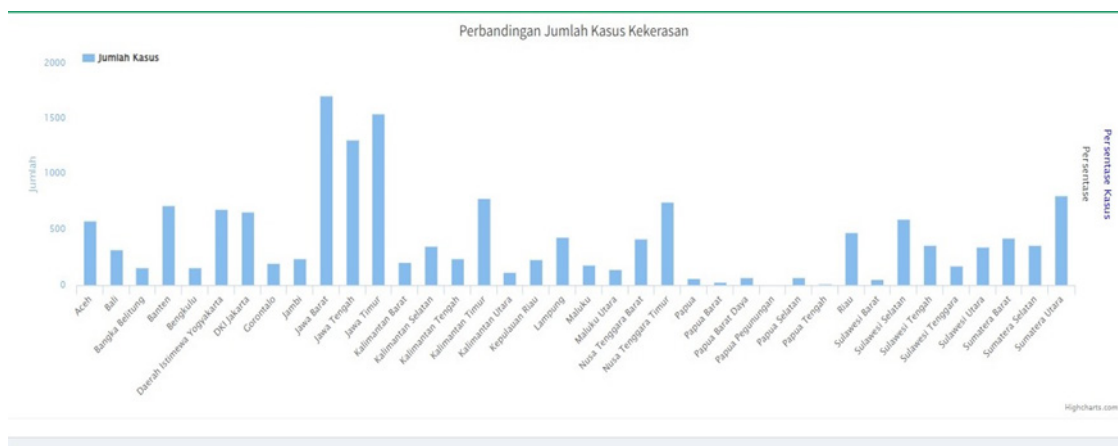
The synergy between technology, law, and society represents an integrative approach that must be further developed to establish a comprehensive monitoring system for former sexual offenders, with the ultimate aim of ensuring maximum protection for

¹⁹ Rosmidah et al., "Can Electronic Land Rights Registration Help Prevent Land from Mafia Practices?," *Jambe Law Journal* 7, no. 2 (2024): 539–58, <https://doi.org/10.22437/jlj.7.2.539-558>.

²⁰ Akramov Akmaljon and Anvarjon Ugli, "Legal Issues of Digital Asset Inheritance from an Islamic Law Perspective," *Ijtihad : Jurnal Wacana Hukum Islam Dan Kemanusiaan* 25, no. 2 (2025): 191–212, <https://doi.org/10.18326/ijthad.v25i2.191-212>.

children in Indonesia. Such an endeavor requires not only regulatory frameworks but also concrete, collaborative, and sustainable implementation mechanisms.

As part of efforts to realize legal protection for children from sexual crimes, the existing body of legislation has encouraged the establishment of state institutions specifically mandated to safeguard children. With a relatively comprehensive legal framework for child protection, particularly in relation to sexual violence, children should, in theory, be in a safer and more protected condition. However, in practice, sexual violence against children remains at alarming concerning level, as reflected in data released by the Ministry of Women's Empowerment and Child Protection (KEMENPPPA).



Reference: KEMENPPA

The urgency of fostering synergy among the three elements society, technology, and law extends beyond preventing recidivism; it also constitutes a concrete manifestation of sustainable child protection. Accordingly, it is necessary to formulate an appropriate and sustainable monitoring model by optimizing the roles of society, technological innovation, and the legal framework as an integrated system for detecting, preventing, and responding to potential threats to children.

The development of legal scholarship has produced various schools of thought, ranging from natural law (both irrational and rational), and legal positivism (analytical and pure) to utilitarianism, the historical school, sociological jurisprudence, pragmatic legal realism, socio-legal studies, and critical legal studies. These diverse schools demonstrate that the pursuit of legal truth is an ongoing process, continuously evolving in line with changes within society as the foundation for the formation of legal norms²¹.

According to Reza Banakar, legal analysis should integrate internal social perspectives, aligning the viewpoints of legal practitioners with broader social context. Both approaches should transcend the traditional dichotomy between law and society.²²

Therefore, the protection of children from released sexual offenders cannot be entrusted to a single institution or approach. It necessitates synergy between state institutions and society, supported by technology driven innovation, to ensure that children in Indonesia are able to grow and develop within a safe and dignified environment.

²¹ Fuad, "SOCIO LEGAL RESEARCH DALAM ILMU HUKUM," *Jurnal Widya Pranata Hukum* 2, no. 2 (2020): 61–64, <https://doi.org/https://doi.org/10.37631/widyapranata.v2i2.261>.

²² Fachrizal Afandi, "Penelitian Hukum Interdisipliner Reza Banakar : Urgensi Dan Desain Penelitian Sosio- Legal," *Undang: Jurnal Hukum* 5, no. 1 (2022): 231–55, <https://doi.org/10.22437/ujh.5.1.231-255>.

2. ANALYSIS AND DISCUSSION

In this context, a critical question emerges as the point of departure of this study. This question is not only of theoretical relevance but also carries direct implications for the practical implementation of child protection within Indonesia's legal and social systems. It seeks to examine in depth how child protection mechanisms can be strengthened, particularly with respect to the monitoring of sexual offenders following their release from correctional institutions. In other words, this question provides a basis for assessing how the synergy among law, technology, and community participation can be operationalized to develop a comprehensive, sustainable, and equitable child protection system. Given that children constitute one of the most vulnerable groups to violence and exploitation.

2.1. What are the implications if an offender, having been released, returns to society without an adequate monitoring system in place?

Every individual is entitled to equal and fair legal protection without discrimination based on race, religion, gender, origin, or social status. This principle constitutes a fundamental pillar of a democratic state governed by the rule of law, wherein justice must be upheld for all citizens. This principle is also reflected in Law No. 39 of 1999 on Human Rights, which affirms the State's commitment to guaranteeing and protecting the fundamental rights of every individual. Article 3 of the Law provides as follows:

1. "Every person is born free and equal in dignity and rights as a human being, and is endowed with reason and conscience to live in society, nationhood, and statehood in a spirit of brotherhood."
2. "Every person has the right to recognition, guarantees, protection, and fair legal treatment, as well as the right to legal certainty and equal treatment before the law."
3. "Every person has the right to the protection of human rights and fundamental freedoms, without discrimination."

Legal protection under the Human Rights Law is, in principle, intended for every individual without exception, encompassing all segments of society across diverse groups, backgrounds, ages, and genders. This principle of universality serves as a fundamental basis for ensuring equal legal protection for all citizens. It is also explicitly reflected in Law No. 23 of 2002 in conjunction with Law No. 35 of 2014 on Child Protection, as well as Law No. 12 of 2022 on Sexual Violence Crimes. These three regulatory frameworks incorporate key provisions that specifically emphasize the protection of children as a vulnerable group. They affirm that the primary objective of protection is to guarantee the fulfillment of children's rights without discrimination; to uphold the dignity and worth of children as individuals with inherent value; and to safeguard them from all forms of violence, exploitation, neglect, and discrimination. Furthermore, these regulations are directed toward ensuring that children can grow and develop optimally within a safe, healthy, and prosperous environment. Accordingly, legal protection for children is not merely reactive to the occurrence of criminal acts, but also preventive and constructive in nature, aiming to shape a better future for the nation through its younger generation.

The principle of legal protection for children must be balanced with the rights of offenders who are subject to post-release supervision. This balance is essential to ensure that the law operates properly and equitably. The protection of children should not entail the violation of former offenders' rights. In other words, the supervision imposed is not intended to interfere with the civil rights of former offenders, but rather to monitor deviant sexual behavior or conduct indicating potential harm toward victims or

their families. By applying protective principles to both parties, criminal law can better achieve justice for both victims and former offenders. The concept of justice in this context refers to the protection of fundamental human rights, whereby every individual is entitled to recognition, guarantees, protection, and fair legal treatment, as well as legal certainty and equality before the law. Every person is entitled to equal treatment and protection in accordance with their inherent human dignity.²³

One of the essential aspects of child protection is that the law must provide comprehensive safeguards for children, including protection against exploitation, hazardous child labor, child trafficking, as well as protection in the context of divorce or family conflict.²⁴ Furthermore, the law must also provide protection for children against physical and sexual violence, which has become one of the primary focuses of the Indonesian government. Accordingly, the existing statutory framework may be regarded as relatively comprehensive at the normative level. However, in practice, legal protection will be insufficient if it is confined solely to the occurrence of criminal acts or the criminal justice process. Equally critical is the protection afforded in the post-sentencing phase, particularly after offenders have completed their term of imprisonment, given the significant possibility of recidivism, whether against the same victim or others. There is no guarantee that, after serving their sentence, offenders will reintegrate into society as law-abiding individuals. This condition gives rise to serious concerns regarding the risk of recidivism. Although Indonesian criminal law provides sentence enhancement through recidivist provisions, such measures do not directly benefit victims because they primarily aggravate sanctions against offenders without contributing to victim recovery. In practice, a considerable number of recidivism cases are associated with sexual violence against children.

One of the measures to ensure continued protection for victims after an offender completes a sentence is to optimize the involvement of the community, families, legal institutions, and the digital technology. In the contemporary digital era, synergy among society, technology, and law enforcement authorities constitutes a key factor in preventing the recurrence of sexual crimes. Technology holds significant potential as an effective instrument for identifying and monitoring individuals with a history of sexual offences, for instance through electronic monitoring systems or databases accessible to authorized parties. Nevertheless, its application must be undertaken with due caution, grounded in ethical considerations, and supported by a clear legal framework to prevent violations of individual privacy rights and to mitigate the risk of data misuse.

Personal data protection is regulated under Law No. 27 of 2022 on Personal Data Protection, which requires sensitive data in electronic systems to be protected from unauthorized access. Accordingly, access to personal data should be limited to institutions that are legally authorized to supervise former inmates following their release from correctional institutions. This is because several aspects of privacy rights must be safeguarded. One of these is the right of individuals to keep certain aspects of their private life confidential, thereby allowing them to maintain their position and personal autonomy at a certain level. Privacy rights are independent rights that do not depend on other rights, except where individuals voluntarily disclose private matters

²³ Meldy Ance Almendo, "Prinsip Keadilan Dalam Tanggung Jawab Negara Terhadap Korban Tindak Pidana Karena Pelaku Tidak Menjalani Pidanaan," *Yuridika* 31, no. 1 (2016): 58–81, <https://doi.org/10.20473/ydk.v31i1.1956>.

²⁴ Ferdy Hasan, Weny Almoravid Dunga, and Zamroni Abdussamad, "Perlindungan Perempuan Dan Anak Dalam Perspektif Hukum," *Jurnal Ilmu Sosial, Humaniora Dan Seni* 1, no. 4 (2023): 317–23, <https://doi.org/10.62379/jjshs.v1i4.765>.

to the public. Equally important, privacy must be protected because the harm suffered from its violation is often difficult to quantify. Such harm is not limited to material loss but extends more significantly to immaterial damage²⁵.

Human life is increasingly influenced by the rapid advancement of science and technology, which has progressed rapidly over time. Technology has produced various tools and systems that enhance human life and enable individuals to live more easily, safely, and efficiently. The rapid development of information technology in the era of globalization has transformed everyday life and significantly affected the legal domain. This influence has become increasingly unavoidable, driven by global demands that require states to adopt technological advancements in order to improve the quality of life, including the administration of more efficient and transparent legal systems. The legal field is now expected to keep pace with technological developments in order to deliver law enforcement solutions that are faster, more accurate, and more equitable. Information technology itself represents the integration of computer and telecommunications technologies, enabling the processing and dissemination of information to be conducted more rapidly and effectively. With the advent of information technology, various components of the legal system can be optimized, including monitoring, reporting, and the electronic resolution of disputes. Ultimately, this contributes to enhancing both the quality and the efficiency of legal services within society.²⁶

In addition, law enforcement institutions play an importance role, particularly the public prosecution service, which has the authority to execute judicial decisions. One of the responsibilities of the public prosecutor is to supervise inmates who are to be granted conditional release. This function is regulated under Minister of Law and Human Rights Regulation No. 3 of 2018 concerning the Requirements and Procedures for the Granting of Remission, Assimilation, Leave to Visit Family, Parole, Pre-Release Leave, and Conditional Leave.²⁷ Furthermore, based on Yohana's research findings, it is indicated that, in practice, supervision conducted by prosecutorial supervisory authorities remains largely administrative in nature. Correctional institutions (Lembaga Pemasyarakatan Lapas), which are entrusted with the guidance and rehabilitation of inmates, and probation offices (Balai Pemasyarakatan Bapas), which hold similar mandates, operate within a framework aimed at fostering offenders reintegration. The overarching objective of such guidance and rehabilitation is to restore inmates as responsible and law-abiding citizens, thereby enabling their acceptance and reintegration into society²⁸.

The roles of Lembaga Pemasyarakatan (Lapas) and Balai Pemasyarakatan (Bapas) are primarily focused on guidance and rehabilitation, particularly in relation to personality development and self-reliance. Pursuant to Article 1(5) of Minister of Law and Human Rights Regulation No. 35 of 2018 on the Revitalization of Correctional Administration, the function of Bapas encompasses activities carried out by probation officers, including social inquiry reports, assistance, guidance, and supervision of clients both within

²⁵ Sekaring Ayumeida Kusnadi and Andy Usmina Wijaya, "Perlindungan Hukum, Data Pribadi, Hak Privasi," *Jurnal Al-Wasath* 6160, no. 1 (2021): 19–32, <https://doi.org/10.47776/alwasath.v2i1.127>.

²⁶ Baharudin, "Keefektifan Media Belajar Berbasis Teknologi Informasi Dan Komunikasi," *Tadris* 5, no. 1 (2010): 112–27.

²⁷ Yohana Anggieta Sormin, Herry Liyus, and Nys Arfa, "Peranan Jaksa Dalam Melakukan Pengawasan Terhadap Narapidana Yang Mendapat Pembebasan Bersyarat," *Pampas Journal of Criminal Law* 2, no. 3 (2021): 95–108, <https://doi.org/https://doi.org/10.22437/pampas.v2i3.16326>.

²⁸ Hermi Asmawati, "PERAN BALAI PEMASYARAKATAN DALAM MENJALANKAN FUNGSI PEMBIMBINGAN TERHADAP KLIEN PEMASYARAKATAN (Studi Pada Balai Pemasyarakatan Kelas 1 Palembang)," *Journal Evidence of Law* 1, no. 1 (2022): 129–41, <https://doi.org/https://doi.org/10.1234/jel.v1i1>.

and outside the criminal justice process, with the ultimate aim of facilitating social reintegration.

In light of these functions, supervision of inmates formally remains within the mandate of Lapas and Bapas; however, such supervision is limited to those granted parole or pre-release leave. Article 19 of Minister of Law and Human Rights Regulation No. 10 of 2020 concerning the Requirements for Granting Assimilation and Integration Rights for Prisoners and Juveniles in the Context of Preventing and Mitigating the Spread of COVID-19 stipulates that the Head of Bapas is responsible for the guidance and supervision of inmates undergoing conditional release.

Accordingly, when viewed from the duties and functions of law enforcement authorities, supervision remains confined to the scope of the criminal justice process, particularly the rehabilitative phase. Once an inmate has completed the period of conditional release, they are no longer subject to formal supervision within the law enforcement framework.

2.2. To what extent can technology and community participation be leveraged to detect potential threats?

Information Technology (IT) shares characteristics with other forms of technology, but its primary focus lies in the processing of information. Such information holds substantial value, as it can be utilized for various strategic purposes, ranging from decision-making processes to the efficient management of resources.

Accordingly, information technology functions not merely as a tool but also as a source of economic value, given its role across diverse sectors of life and business.²⁹ However, notwithstanding the benefits and economic value it offers, information technology also presents new challenges, particularly in the domain of security. Given that information constitutes a highly valuable asset, it is imperative to continuously develop systems and methods capable of detecting potential threats, whether related to data security, user privacy, or operational disruptions that may adversely affect relevant stakeholders. Through the capacity for early threat detection, organizations are able to undertake effective preventive measures, thereby minimizing the risks of loss arising from misuse or cyberattacks.

Equally important is the role of society as the frontline in providing protection to victims, particularly children and other vulnerable groups. Community empowerment through legal education is therefore essential, including engagement with social and cultural dimensions, so that society becomes more responsive to indicators of sexual violence and potential risks posed by sexual offenders. Education regarding proper reporting mechanisms for suspected cases of sexual violence is also crucial. The role of society is indispensable, as it fundamentally comprises individuals who coexist within a shared social environment.³⁰ Society possesses inherent strength because it reflects social interaction, social change, and a sense of collective belonging. Accordingly, society constitutes both a structure and a collective of individuals who live together, interact over a sustained period of time, and share awareness that they form a unified entity and a system of common life.³¹ Moreover, in the contemporary digital era, the role of society

²⁹ Bambang Warsita, "Landasan Teori Dan Teknologi Informasi Dalam Pengembangan Teknologi Pembelajaran," *Jurnal Tenodik Jurnal Teknologi Pendidikan* 15, no. 1 (2014): 84–96, <https://doi.org/https://doi.org/10.32550/tenodik.v0i0.91>.

³⁰ Irwansyah Donny Prasetyo, "MEMAHAMI MASYARAKAT DAN PERSPEKTIFNYA," *Jurnal Manajemen Pendidikan Dan Ilmu Sosial* 1, no. 1 (2020): 506–15, <https://doi.org/10.38035/JMPIS>.

³¹ Donny Prasetyo.

becomes increasingly significant, particularly in the form of technologically literate and informed communities, often referred to as virtual communities. Such communities consist of individuals who share common interests and are able to convene and interact with one another, facilitating the exchange of information and mutual engagement.³² Contemporary virtual communities consist of individuals who use the internet to establish social networks, express interaction through digital symbols (emoticons) that partially substitute face-to-face gestures and emotional cues. According to Raymond Williams, in his concept of mobile privatization, at the most active social level, individuals increasingly live within small, private family units; however, at the same time, the sphere of privacy itself becomes increasingly constrained. Accordingly, virtual communities serve as spaces in which individuals with shared interests can congregate, interact, and exchange information with one another.³³

One of the essential aspects of child protection within the context of criminal law enforcement is the existence of a reporting system that is transparent, accessible, and responsive to all segments of society. Such accessibility is essential to ensure that the public, particularly victims' families and immediate surroundings, can report suspected cases of sexual violence without being hindered by complex bureaucratic procedures. Accordingly, society does not merely function as a recipient of protection but also actively participates in fostering a system of law enforcement that is more prompt, precise, and responsive. The presence of an open reporting system further provides a foundation for the realization of a transparent and accountable justice system, in which every report is followed up through fair and non-discriminatory legal procedures.

Moreover, the implementation of rehabilitation programs for offenders within correctional institutions must be targeted and effective, ensuring that offenders not only serve their sentences but also undergo a process of reformation capable of significantly altering their behavior. Following their release, rigorous and structured supervision becomes a critical component in preventing recidivism, namely the repetition of the same criminal conduct. Therefore, synergy among reporting systems, judicial processes, correctional rehabilitation, and post-release supervision must operate in a continuous and integrated manner in order to ensure comprehensive and sustainable protection for children.

a. United State

The United States, through the Sex Offender Registration and Notification Act (SORNA) which forms part of the Adam Walsh Child Protection and Safety Act of 2006, establishes minimum national standards for the registration and notification of sexual offenders. However, its implementation remains uneven across states and has been subject to legal and practical limitations. Offenders are required to register in each jurisdiction where they reside, work, or pursue education, to update their information periodically, and to appear in person for verification procedures. Certain offender information is made publicly accessible through official government websites, although this approach has been widely debated due to concerns regarding privacy, stigmatization and long-term reintegration. As of 2025, only 18 states have substantially implemented SORNA, primarily due to financial constraints and other legal challenges.³⁴

³² Donny Prasetyo.

³³ Donny Prasetyo.

³⁴ Karen J. Terry, "Sex Offender Laws in the United States: Smart Policy or Disproportionate Sanctions?," *International Journal of Comparative and Applied Criminal Justice* 39, no. 2 (2015): 113–27, <https://doi.org/10.1080/01924036.2014.973048>.

b. England

The Multi-Agency Public Protection Arrangements (MAPPA) system constitutes a collaborative mechanism involving key institutions such as the police, probation services, and local authorities. The primary objective of this system is to supervise and periodically assess the risk of recidivism or the likelihood of reoffending, thereby enabling more effective preventive measures. Although information regarding offenders is not made publicly accessible in order to safeguard privacy and security, access is granted on a restricted basis to parties with a legally recognized interest, subject to procedural safeguard and institutional discretion, such as schools, social institutions, and parents. Through this system, inter-agency coordination is intended to function effectively, in protecting the public, particularly vulnerable groups, from potential risks, although its success depends heavily on institutional capacity and information-sharing practices.³⁵

c. South Korea

Since the early stages of legislative development in the 2000s, South Korea has established a national registration system specifically designed to record individuals convicted of sexual offences against children. This registry is accessible to the public under certain limitations, enabling society to obtain essential information while reducing the risk of excessive inference with individual privacy. In addition, the law mandates electronic monitoring through GPS tracking technology to ensure strict supervision of offenders following their release. Furthermore, stringent restrictions are imposed on offenders' access to areas frequently occupied by children, such as schools, playgrounds, and other public facilities, in order to mitigate the risk of reoffending. These measures reflect South Korea's commitment to strengthening comprehensive child protection.³⁶

The criminal justice system is designed as a structured mechanism aimed at controlling crime within society. As Benedict S. Alper observes, crime is one of the oldest and most enduring social problems. The criminal justice process operates sequentially, meaning that each stage depends on the completion of the preceding stage. The entire process functions within a systemic framework, in which each institution operates as an interrelated and mutually influential subsystem. Within this criminal justice system, each component and function must be interconnected and operate in an integrated manner³⁷. As stated by Alan Coffey in this regard:³⁸

"The criminal justice system can only function systematically to the extent that each segment within the system takes into account all other segments. In other words, the degree of systematization of a system does not exceed the quality of the relationships between the police and the prosecution service, the police and the courts, the prosecution service and correctional institutions, correctional institutions and the law, as well as other interrelated relationships. If functional linkages among these segments do not exist, the criminal justice system will be vulnerable to fragmentation and ineffectiveness."

Through strong cooperation among technology, society, and legal institutions from criminal law enforcement to the completion of offenders' sentences and their

³⁵ CCRC Staff, "Sex Offense Registries in Europe and around the World," cresourcecenter, 2020.

³⁶ Terry, "Sex Offender Laws in the United States: Smart Policy or Disproportionate Sanctions?"

³⁷ Nursyamsudin Nursyamsudin and Samud Samud, "Sistem Peradilan Pidana Terpadu (Integrated Criminal Justice System) Menurut Kuhap," *Mahkamah : Jurnal Kajian Hukum Islam* 7, no. 1 (2022): 149, <https://doi.org/10.24235/mahkamah.v7i1.10413>.

³⁸ M. Faal, *Penyaringan Perkara Pidana Oleh Polisi Dikresi Kepolisian* (Jakarta: Pradnya Paramita, 1991).

reintegration into society, a safer environment can be established to protect future generations from the threat of sexual crimes.³⁹

This study examines how law, technology, and the social can be integrated to form a fair, effective, and sustainable supervisory system for former sexual offenders. In this context, primary attention is directed toward child protection as a priority that must be upheld with utmost seriousness. The role of law is crucial in ensuring the existence of clear and firm regulations to support the enforcement of justice and the imposition of appropriate sanctions on offenders. On the other hand, technology offers solutions for monitoring and detecting potential threats posed by former offenders in a more efficient and accurate manner, such as through data-based monitoring systems and electronic tracking devices. However, the use of such technology must be balanced with strong ethical considerations in order to avoid violations of individual privacy rights. In addition, the role of society is equally important, as the community bears responsibility as the frontline in maintaining a safe environment for children. Through education, transparent reporting mechanisms, and close cooperation with authorities, society can actively contribute to the creation of a more effective and equitable supervisory system. Through synergy among law, technology, and society, a safe environment can be established to support children's growth and development free from the threat of sexual violence.

One of the key challenges in implementing legal protection for victims of sexual violence after the release of offenders is the low level of awareness, concern, and understanding of women's and children's rights, particularly when the perpetrator is within the victim's family environment. Broader public education and awareness-raising efforts are therefore required to transform societal perceptions and to strengthen support for the protection of child victims. In addition, another critical issue is the limited access to services. Many victims continue to face difficulties in accessing essential services, such as crisis centers, courts, medical services, and psychosocial assistance due to limited infrastructure and available resources.⁴⁰

2.3. What is the most appropriate supervision model that optimizes the roles of society, technology, and law in monitoring offenders after their release from correctional institutions, in order to provide protection for children?

To realize sustainable protection for children from sexual offenders who have completed their sentences, an integrated, adaptive, and community-based supervision model is required. The model proposed in this study is the Three Pillars Supervision Model, which integrate law, technology, and society as the main elements in supervising sexual offenders against children.

From a legal perspective, regulations concerning the supervision of offenders after serving their sentences must be strengthened, particularly in relation to Correctional Institutions (Lembaga Pemasyarakatan/LAPAS), Probation and Correctional Centers (Balai Pemasyarakatan/BAPAS), and the Public Prosecution Service. For BAPAS and LAPAS, authority may be expanded, for instance, by requiring sexual offenders against children to undergo continued rehabilitation under the supervision of BAPAS and LAPAS, accompanied by periodic reporting obligations and supported by standardized psychosocial assistance. The State should also establish clearer rules restricting offenders' access to child-sensitive zones, such as schools, playgrounds, and places of

³⁹ Donny Prasetyo, "MEMAHAMI MASYARAKAT DAN PERSPEKTIFNYA."

⁴⁰ Hasan, Dungga, and Abdussamad, "Perlindungan Perempuan Dan Anak Dalam Perspektif Hukum."

worship.. Meanwhile, for the Public Prosecution Service, which is vested with executive authority and supervisory functions prior to unconditional release, additional authority may also be granted to supervise offenders after the completion of their sentences. Such supervisory duties should not be limited to administrative obligations alone, but should also involve the management of an information technology-based supervision system. In this way, it is expected that supervision of sexual offenders will not only be conducted during the period prior to the completion of their criminal sanctions, but will also continue after offenders are released from correctional institutions.

From a technological perspective, the utilization of an information technology-based supervision system may serve as an effective modern solution. The use of tracking devices (*GPS trackers*), a national database of sexual offenders accessible to authorized institutions, and location-based community reporting applications constitute essential components of this model. Such applications may enable the public to report suspicious activities anonymously and obtain limited information regarding potential threats within their surroundings. The use of these technologies must be accompanied by strict legal safeguards against data misuse and privacy violations to ensure that their implementation remains ethical and non-discriminatory.

Society plays an important role in early detection and social supervision. Legal and technological literacy must be disseminated evenly to the public through training programs at the neighborhood (RT/RW) level, schools, and religious institutions. Community forums such as legal health posts (*posyandu hukum*), digital neighborhood watch groups (*poskamling digital*), or family-based monitoring communities may be established to strengthen social oversight of individuals with a history of sexual offences. This model emphasizes community participation without encouraging excessive stigmatization, but rather fostering collective vigilance grounded in the protection of children's rights.

With the implementation of this Three-Pillar Surveillance Model, the supervision system for released sexual offenders against children expected to operate in a comprehensive, collaborative, and sustainable manner. The synergy between law as the regulator, technology as a supporting tool, and society as the executor of social control will form a supervision system that is fair, efficient, and adaptive to contemporary challenges, thereby creating a safe and dignified environment for all children in Indonesia.

3. CONCLUSION

Although Indonesia has established comprehensive legal regulations and instruments to protect children from sexual violence, empirical realities indicate that crimes against children, particularly sexual offences, continue to occur at concerning levels. One of the main weaknesses lies in the inadequacy of post-release supervision of sexual offenders after their discharge from prison. Without proper monitoring, offenders may have a higher risk of reoffending and continuing to pose a threat to children within the community.

To address this issue, an integrated supervision model is required through the synergy of law, technology, and society. From a legal perspective, it is necessary to strengthen regulatory frameworks and impose restrictions on offenders' access to environments frequented by children. From a technological perspective, the use of tracking systems, regulated offender databases, and secure reporting applications is essential. From a societal perspective, enhanced legal literacy and active participation in social supervision are required.

The Three Pillars Monitoring Model is expected to serve as a collaborative and sustainable framework, not only to reduce recidivism but also to strengthen comprehensive child protection. Without active engagement from all stakeholders and adaptation to technological developments, the child protection system will not function effectively. Therefore, post-release protection of children must become a national priority so that Indonesian children can grow and develop in a safe, healthy, and dignified environment.

The model proposed above constitutes an effort toward criminal law reform, particularly within the domain of penitentiary law, and is expected to form part of the future direction of criminal law policy. It represents a preventive approach that complements penal (*repressive*) law enforcement mechanisms.

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