



Legal Assistance to Victims of Sexual Violence in the Perspective of *Maqasid Syariah*: A Study of UPTD PPA Banda Aceh

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ABSTRACT

This study examines the role of UPTD PPA Banda Aceh in providing legal assistance to victims of sexual violence and analyses it through the perspective of *Maqasid Syariah*. The research is grounded in the increasing number of sexual violence cases in 2024 recorded by the Aceh Women's Empowerment and Child Protection Office (DP3A), totalling 1,227 cases, comprising 571 cases involving women and 656 cases involving children. The study addresses how legal assistance is implemented and to what extent it aligns with the objectives of Islamic law. This research employs an empirical legal research design with a qualitative approach, based on field data collected from personnel directly involved in assisting at UPTD PPA Banda Aceh. The findings indicate that legal assistance primarily manifests as juridical support and educational guidance, complemented by medical and psychological services to facilitate the judicial process. UPTD PPA Banda Aceh is mandated to fulfil victims' rights during legal proceedings; however, not all rights can be realised due to law enforcement authorities' dismissals of cases under certain conditions. From the perspective of *Maqasid Syariah*, this role falls under the *dharuriyyah*, emphasising the protection of essential human interests, including *hifdz al-din*, *hifdz an-nafs*, *hifdz al-'aql*, *hifdz an-nasl*, and *hifdz al-mal*. The study contributes to strengthening the integration of victim protection within the framework of Islamic legal objectives in contemporary legal practice.

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INTRODUCTION

Cases of sexual violence are increasingly alarming and may be categorized as crimes against humanity due to their severe physical and psychological impacts on victims. Sexual violence predominantly affects women and children, degrading human dignity and threatening the future of younger generations. In many cases, perpetrators are individuals closely related to the victims, which further complicates disclosure and recovery processes. This condition demands serious and systematic attention as the number of cases continues to rise.

The number of sexual violence cases in 2024 recorded by the Aceh Women's Empowerment and Child Protection Office (DP3A) reached 1,227 cases, consisting of 571 cases involving women and 656 cases involving children. The Aceh Government has responded by establishing the Regional Technical Implementation Unit for the Protection of Women and Children (UPTD PPA) as an institutional mechanism to provide protection and assistance. However, of the 23 districts/cities in Aceh, only 6 have established UPTD PPA units, namely Banda Aceh, Central Aceh, Bener Meriah, Langsa, and Lhokseumawe, while the others are still in the process of formation. UPTD PPA is tasked with receiving complaints, providing legal assistance, offering psychological support, and ensuring protection, including temporary shelter, for victims facing threats. Data from DP3A Aceh (January–August 2024) indicate that Banda Aceh remains among the top three regions with high rates of sexual violence, reflecting the significant burden faced by UPTD PPA Banda Aceh in addressing this issue (Capah & Fikri, [2023](#); Putra & Widodo, [2024](#)).

The presence of UPTD PPA is expected to reduce sexual violence cases; however, field conditions indicate that many cases remain unreported due to victims' fear, intimidation, and lack of trust in

institutional support systems. Victims often hesitate to disclose their experiences due to concerns over stigma, inadequate legal protection, and limited access to recovery services. Empirical findings from research conducted in 2024 show that the existence of UPTD PPA provides a critical entry point for victims to seek justice, legal assistance, and psychological recovery, although structural and cultural barriers remain significant (Saladin, [2020](#); Setiawan, [2024](#)).

Previous studies have examined sexual violence from various perspectives; however, they tend to focus on normative legal frameworks or institutional roles without critically integrating empirical findings with Islamic legal perspectives. Research on legal protection has highlighted lenient judicial decisions that fail to do justice to victims. At the same time, studies on institutional roles emphasise assistance mechanisms but identify persistent challenges such as family vulnerability, differing legal interpretations, and the normalisation of violence (Ahmad & Hengkenang, [2025](#); Suryawan et al., [2024](#)). Comparative analyses between the Child Protection Law and Qanun Jinayat reveal differences in sanction effectiveness, while Islamic legal studies primarily discuss normative sanctions such as *hadd*, *qisash*, and *ta'zir* without linking them to contemporary institutional practices (Ryanjaya & Ihya, [2024](#); Suryawan et al., [2024](#)).

These studies demonstrate important contributions but also reveal critical limitations. Existing research remains largely descriptive and does not provide a comprehensive analysis of how legal assistance is operationalised at the institutional level. The discussion of *Maqasid Syariah* is predominantly normative, focusing on definitions and classifications without empirical grounding. The integration between positive law mechanisms and Islamic legal objectives has not been systematically examined within a unified analytical framework. This gap indicates the absence of studies that simultaneously analyse legal assistance practices and their alignment with *Maqasid Syariah* in real institutional settings.

Meanwhile, in normative Islamic studies, the concept of *Maqashid al-Sharia* is used to address fundamental problems of human life, emphasising the objectives of Islamic law in maintaining human welfare by promoting benefit and preventing harm (Diputra, [2024](#)). In examining issues of sexual violence in contemporary society, this framework relates to the protection of five essential elements: *hifdz al-din* (protection of religion), *hifdz al-nafs* (protection of life), *hifdz al-'aql* (protection of intellect), *hifdz al-nasl* (protection of lineage), and *hifdz al-mal* (protection of property). However, this study does not merely position *Maqashid al-Sharia* as a normative framework. However, it applies it analytically to evaluate field findings regarding the forms of legal, psychological, and medical assistance provided by UPTD PPA Banda Aceh to victims of sexual violence. The empirical findings are critically examined to assess whether these assistance practices effectively safeguard essential human interests (*dharuriyyah*), particularly by protecting victims' lives, dignity, and psychological well-being. *Maqashid al-Sharia* fundamentally aims to maintain social order by realising benefits and preventing harm (*jalb al-masalih wa dar' al-mafasid*) (Abidin, [2023](#)). This principle serves as an analytical lens to assess the extent to which institutional practices align with Islamic legal objectives, as well as to highlight gaps between normative ideals and empirical realities in victim assistance. Thus, this study provides a comprehensive analysis of assistance for victims of sexual violence at UPTD PPA Banda Aceh while simultaneously evaluating it through the perspective of *Maqashid al-Sharia*.

The novelty of this research lies in its integrative approach that connects empirical legal practices with Islamic legal theory, particularly *Maqasid Syariah*, within a single analytical framework. This study not only describes institutional practices but also critically evaluates their alignment with the protection of essential human interests (*dharuriyyah*), thereby offering a more comprehensive understanding of victim protection in both legal and religious dimensions.

Based on these limitations, this study examines the legal assistance provided by UPTD PPA Banda Aceh to victims of sexual violence. It analyses its implementation through the perspective of *Maqasid Syariah*. This study aims to answer the following research questions: (1) how UPTD PPA Banda Aceh implements legal assistance for victims of sexual violence, and (2) how this implementation reflects the objectives of *Maqasid Syariah* in protecting victims' fundamental rights.

METHOD

This research uses a qualitative approach and is field research. This study employs an empirical legal research design with a case study approach to systematically examine the implementation of legal assistance practices within a specific institutional setting. This type of research examines the workings of law in society, particularly to analyse the assistance provided by UPTD PPA Banda Aceh in handling victims of sexual violence in accordance with the mandate of Law No. 12 of 2022 concerning the Crime of Sexual Violence. The location of this research is Banda Aceh City, specifically at the Regional Technical Implementation Unit for the Protection of Women and Children (UPTD PPA) Banda Aceh, selected based on data indicating that Banda Aceh is among the three regions with the highest cases of sexual violence in 2024 and has an established institutional mechanism for victim assistance (Kusumastuti & Khoiron, [2021](#)).

In this study, the researcher uses two types of data: primary and secondary. Primary data were obtained through in-depth interviews with selected informants using purposive sampling criteria, including: (1) personnel directly involved in assisting at UPTD PPA Banda Aceh; (2) officials from Wilayatul Hisbah and Satpol PP; and (3) members of the Banda Aceh community who have knowledge of or experience related to the issue. The number of informants was determined based on data saturation principles to ensure depth and relevance of information. Secondary data consist of documents, books, archives, and other relevant sources that support and complement the primary data.

Data collection techniques include in-depth interviews, documentation, and limited observation of institutional practices. Data analysis was conducted using an interactive model that involved data reduction, data display, and conclusion drawing, enabling systematic interpretation of the findings. To minimise subjectivity and potential bias arising from interview-based data, this study applies triangulation techniques, including source triangulation (comparing data across informants), method triangulation (interviews and documentation), and theoretical triangulation through the use of *Maqasid al-Sharia* as an analytical framework. Validation of findings is strengthened through member checking, and consistency checks to ensure credibility and reliability of the data.

RESULT AND DISCUSSION

The Regional Technical Implementation Unit for the Protection of Women and Children (UPTD PPA) was established by the Regulation of the Mayor of Banda Aceh Number 80 of 2021, dated 6 December 2021. The Regional Technical Implementation Unit for the Protection of Women and Children, hereinafter referred to as UPTD PPA, is an element responsible for implementing operational technical tasks and/or supporting technical activities and for providing services in the field of women and child protection in the City of Banda Aceh. UPTD PPA is led by a head of UPTD who is under and responsible to the Head of Service (Interview, 2025). To reduce potential bias arising from reliance on interview data, these findings are interpreted alongside institutional mandates and regulatory frameworks, ensuring a more objective analytical basis.

UPTD PPA Banda Aceh plays a role in ensuring that the rights of victims can be fulfilled, such as the right to get justice for the case that befell them, get education, health, recovery to relieve the psychological pressure experienced by the victim, and the recovery of the victim's trauma that

threatens their mental health. The UPTD PPA also provides a support system within the victim's environment, thereby creating a safe and comfortable environment for the victim (Interview, 2025). These forms of assistance can be analytically classified into juridical, medical, psychological, and social-educational services, which are further examined through the framework of *Maqasid al-Sharia*, particularly in relation to the protection of fundamental human interests. The results of the interview conducted with Mrs. Ratna S.H who serves as the Social Welfare Manager at UPTD PPA conveyed that the functions of UPTD PPA Banda Aceh City are: (1). Community complaints, (2) Victim outreach, (3) Case management, (4) Temporary shelter, (5) Mediation, (6) Victim assistance, (7) Health, (8) Legal assistance such as diversion, or other legal remedies.

Recovery/Psychological Services

Based on the interview results, public complaints can be made in two ways: first, by visiting or reporting directly, and second, by making them indirectly. Complaints can be made directly by the victim, the victim's family or community groups to come to the UPTD PPA Banda Aceh City directly to complain or report an act of sexual violence. Meanwhile, complaints can be made indirectly by the victim, the victim's family or community groups to report the crime of sexual violence through telephone, letter, and email. This includes indirect complaints, namely reports made or referred by the community or other institutions regarding sexual violence experienced by the victim to the UPTD PPA Banda Aceh City (Interview, 2025). From the perspective of *Maqasid al-Sharia*, this complaint mechanism reflects *hifdz al-nafs* and *hifdz al-'aql*, as it facilitates early intervention and psychological protection by enabling victims to report safely and access recovery services.

Case management involves studying validated cases (through victim outreach) and classifying them as moderate (not difficult) or complex (heavy), so that severe cases can be managed in case discussions by involving companions as needed to meet the victims' needs. This classification process aligns with *hifdz al-nafs* and *hifdz al-nasl*, as it ensures proportional handling that supports both physical safety and long-term social protection for victims.

Temporary shelter is also a function of the UPTD PPA of Banda Aceh City for child victims of sexual violence, if in a case the victim is in a threatened condition, does not have a safe place to live or others. Then the victim will be placed in a temporary shelter, called a safe house, for a maximum of 3 (three) days while the case process is underway. This service reflects *hifdz al-nafs* and *hifdz al-nasl*, emphasising immediate physical protection and safeguarding victims from further harm.

Mediation services are also provided by the UPTD PPA of Banda Aceh City, which assigns a mediator to victims based on their needs. Mediation services are counselling services provided by counsellors to two or more parties who are not finding a match (Interview, 2025). However, in the mediation service for child sexual violence cases, UPTD PPA does not conduct mediation, but directly takes legal channels. This limitation aligns with *hifdz al-din* and *hifdz al-nafs*, as formal legal processes are prioritised to uphold justice and prevent further victimisation.

Victim assistance provided by UPTD PPA Banda Aceh City includes health, legal assistance, and recovery/psychological services, with psychological and legal assistance being the most frequently delivered services. The victim assistance service of the UPTD PPA in Banda Aceh city has a legal counsellor who serves as a companion, in accordance with the SOP issued by the Head of Service (Interview, 2025). Legal assistance reflects *hifdz al-mal* and *hifdz al-din*, ensuring protection of victims' rights and access to justice. Psychological and medical services correspond to *hifdz al-'aql* and *hifdz al-nafs*, addressing trauma recovery and physical well-being while restoring victims' capacity for social functioning.

Forms of UPTD Banda Aceh Assistance

The Regional Technical Implementation Unit for the Protection of Women and Children, or UPTD PPA, is an integrated service centre for women and children victims of violence, which includes medical services, legal services, psychological services, and social rehabilitation services. Legal assistance is provided through legal consultation, accompanying victims in the legal process they face, coordinating with legal aid institutions or legal advisors, and conducting outreach and *home visits* if necessary. During a *home visit*, the legal counsellor, together with the psychological counsellor from UPTD PPA in Banda Aceh city, visited the victim's house directly to assess the victim's condition (Interview, 2025). Legal assistance provided by the UPTD PPA of Banda Aceh City is carried out from the initial assistance at the SPKT (Integrated Police Service Centre) level through the trial stage. Whether it is in the Regional Police, Police, or Police, the assistance process is also carried out according to the needs of the victim, for example, the issuance of a visa and the preparation of a BAP. The UPTD PPA also established communication with the prosecutor's office and the Sharia Court regarding the case (Interview, 2025).

Legal assistance for child victims of sexual violence in the judicial process or trial will be provided starting from the process of reading the indictment, victim witness statements, other witness statements, expert witnesses, and the examination of the defendant until it is completed. The purpose of legal assistance for child victims of sexual violence from the police level to the court level is to fulfil the rights of children as victims in getting justice for what they experience (Interview, 2025). Based on the information obtained through interviews regarding the forms of legal assistance provided by the UPTD PPA Banda Aceh City, it can be described as follows:

Forms of Juridical Assistance

The form of juridical assistance is a form of assistance carried out by the UPTD PPA for children who are in conflict with the law or assistance from a legal perspective. This assistance includes processes at the Police, Prosecutor's Office, and *Syar'iyah* Courts.

Form of Legal Assistance in Every Judicial Process

Legal assistance is obtained by victims during the course of the judicial process, starting from the stage in the Police, which consists of investigation, arrest, detention, search, confiscation, then at the examination stage at the Prosecutor's Office, to the stage of examining the case by a judge at the *Syar'iyah* Court. When there is a report from the victim's family or the community, either directly or indirectly, about a case of sexual violence that occurred, the UPTD PPA of Banda Aceh City immediately reports the case to the Police. Furthermore, the UPTD PPA of Banda Aceh City took the victim to the SPKT (Integrated Police Service Centre) at the Police to determine whether the case included persecution, sexual violence or others (Interview, 2025). The Integrated Police Service Centre is tasked with providing police services to the community, in the form of receiving and handling first reports/complaints, police assistance/assistance services, along with related functions to visit the crime scene to carry out security activities and processing the crime scene in accordance with the provisions of applicable laws and regulations (Interview, 2025). This form of legal assistance aims to supervise the course of the criminal justice process and to supervise the fulfilment of the rights of the victim's child in every judicial process.

Forms of Legal Assistance to Victims in Providing Complaints and Statements

Legal assistance to children who are victims of sexual violence is provided in the form of assistance as long as the victim is at the police station to provide complaints and information about the case he or she experienced. Regarding this legal assistance, the UPTD PPA of Banda Aceh City collaborated with

the Women and Children Service Unit (PPA) at the Banda Aceh Police. The collaboration is aimed at finding the right legal assistance method for children who are victims of sexual violence because the ability of each child to follow the course of the judicial process is different (Interview, 2025). The police, in asking for information from the child who is a victim of sexual violence, are prohibited from wearing a uniform, because it will make the child feel scared, making it difficult for the police to question the child about the case that happened to him.

Form of Legal Assistance for the Needs of the Victim in the Context of Revealing a Criminal Act

The things that are needed by the victim in order to participate in uncovering the crime are an explanation of the stages of the judicial process, an explanation of the victim's position in the judicial process, and an explanation of what steps the victim must take while following the judicial process for the case he experienced. This assistance must be carried out by the UPTD PPA of Banda Aceh City to victims of sexual violence, because victims who are still children do not understand the law and victims are classified as poor people, so they are considered weak parties (Interview, 2025).

Forms of Medical Assistance

The UPD PPA provides medical assistance for children who need further treatment from the medical community, for example, for children who are victims of violence who need visa results. As a result of the interview conducted with Ratna related to the health or visa of the child victim of sexual violence, the police took the victim to Bhayangkara Hospital Banda Aceh, which is located on Jl. Cut Nyak Dhien No. 23 Lamtemen, Jaya Baru District, Banda Aceh City. During the visa process, the UPTD PPA Banda Aceh City must also assist, along with the victim's immediate family or parents. The function of assistance in this health examination process is to find out whether there is a case of sexual violence against the victim. Visum made against victims of sexual violence can be used as valid evidence in court (Interview, 2025).

Forms of Assistance in Education

The assistance the victim can receive can also take the form of obtaining permission to participate in the judicial process. If the victim is still participating in school activities, the UPTD PPA will visit the victim's school to request permission related to what the victim is experiencing. The legal assistance provided helps victims obtain a school permit by using the right reasons. This is based on the fact that often victims feel embarrassed to admit to the school that they have been victims of sexual violence and must follow the judicial process (Interview, 2025). This assistance is also intended to improve the teaching and learning process that had been disrupted by events affecting children. The UPTD PPA Banda Aceh City will apply to the school to be able to provide opportunities for children, so that they can resume their education as usual.

Forms of Psychological Assistance

Psychological assistance is provided to children who are victims of sexual violence who have experienced trauma, loss of confidence, extraordinary fear, anxiety, and also children who tend to close themselves off from many people. Psychologists provide psychological assistance to check the mental health condition of the child, as well as restore the mental health condition of the child who is a victim of sexual violence. This mentoring process is carried out with a family approach and children's play style, so that children can easily receive assistance from psychologists at UPTD PPA Banda Aceh City (Interview, 2025). The purpose of child psychological assistance is to restore the trust of the child, so that he can communicate well again. This also helps the child readjust to the surrounding and school environments more easily.

Legal Protection for Children Victims of Sexual Violence Based on Sharia Maqashid

The term *maqashid al-sharia* literally means the purpose or objective of the law. The term *maqashid* is derived from the word *qashada*, which means purpose or intention. The urgency of *maqashid al-sharia* lies in fulfilling *maslahah* (benefit) and protecting human beings from harm. In this sense, *maqashid* represents the meaning and wisdom intended by Allah SWT in every aspect of Islamic law, both general and specific, to ensure the welfare of His people. The realisation of these objectives is closely related to the fulfilment of fundamental human rights.

In protecting the fulfilment of these basic rights, Islam recognises five essential dimensions known as *maqasid al-sharia*. These include the maintenance of religious rights (*hifz al-din*), in which parents play a crucial role in shaping children's moral and religious character. When parents uphold religious values and practice commendable morals, children are more likely to develop similar values. Conversely, the absence of such guidance may lead to moral decline, indicating the importance of early religious education within the family structure.

The second dimension is the maintenance of life (*hifz al-nafs*), which emphasises the importance of ensuring physical well-being, including adequate nutrition and healthcare, even during the prenatal stage. Avoiding any form of violence against children, including during pregnancy, is essential, as such actions can have serious consequences for the child's development. This principle highlights the obligation to protect human life from the earliest stages of existence.

The third dimension is the maintenance of honour and lineage (*hifz al-nasl*), which relates to safeguarding an individual's dignity and identity. This protection can be realised through the recognition of a child's legal status as the offspring of their biological parents. In the Islamic perspective, ensuring legal documentation, such as birth certificates, is important for safeguarding children's rights and identity, thereby preserving their honour and lineage in society.

The fourth dimension is the preservation of intellect (*hifz al-'aql*), which underscores the importance of education as a fundamental right. Providing children with access to proper education contributes to the advancement of human dignity and civilisation. Educational efforts must also integrate moral and spiritual values, ensuring that intellectual development is accompanied by ethical behaviour as the foundation of individual and social life.

The fifth dimension is the protection of socio-economic rights (*hifz al-mal*), which focuses on ensuring economic welfare and justice. Islam provides mechanisms such as *zakat* and *baitul mal* to address poverty and promote equitable wealth distribution within society (Marbun et al., [2020](#); Probilla et al., [2021](#)). These instruments function as safeguards to ensure that individuals can meet their basic needs and live with dignity.

The provision of additional punishment for perpetrators of sexual violence reflects the principle of prioritising public interest (*al-maslahah al-'ammah*) over individual interest, as stated in the legal maxim *al-maslahah al-'ammah muqaddamatun min al-maslahah al-khashah*. This principle emphasises that collective welfare must take precedence in the formulation and enforcement of legal sanctions.

Islamic teachings have clearly outlined firm warnings against immoral acts, including sexual violence, as stated in Surah al-Nur (24:2), which prescribes sanctions for such actions while also allowing room for repentance and reform. This indicates that Islamic law seeks not only to punish but also to restore moral order within society.

Sexual harassment, when analysed through the concept of *hifz al-nasl*, constitutes a serious violation of human honour and lineage, which are highly protected in Islam (Abidin, 2023). One form of protection is imposing strict sanctions on perpetrators who damage an individual's dignity. This approach aligns with Indonesia's legal framework and the protective role of institutions such as UPTD PPA Banda Aceh in safeguarding victims.

The implementation of additional sanctions and legal measures contributes to the realisation of the objectives of Islamic law (*maqashid al-sharia*), which include the protection of religion (*hifz al-din*), life (*hifz al-nafs*), intellect (*hifz al-'aql*), lineage (*hifz al-nasl*), and property (*hifz al-mal*). These principles collectively form a comprehensive framework for ensuring justice, protection, and welfare in addressing cases of sexual violence.

CONCLUSION

This study concludes that the legal assistance provided by UPTD PPA Banda Aceh reflects a comprehensive and integrated approach to protecting child victims of sexual violence. The assistance covers juridical support throughout the entire judicial process, from reporting at the police service centre (SPKT) to court proceedings, while ensuring that procedures are communicated in ways appropriate to the child's psychological condition. In addition to legal support, the institution provides medical services, trauma recovery, and educational assistance as part of a holistic protection strategy. Post-trial recovery efforts are conducted through structured psychological assessments and therapeutic interventions, including cognitive-behavioural therapy (CBT), play-based therapy, and visual media approaches. They are supported by temporary safe-house placement when necessary. From the perspective of *Maqāṣid al-Sharī'ah*, these practices align with the protection of essential human interests (*darūriyyāt*), encompassing *ḥifz al-dīn*, *ḥifz al-nafs*, *ḥifz al-'aql*, *ḥifz al-nasl*, and *ḥifz al-māl*, thereby affirming that victim protection constitutes both a legal obligation and a moral-religious imperative.

This study is limited by its reliance on qualitative data derived primarily from interviews within a single institutional setting, which may introduce subjectivity and limit the generalizability of the findings. Although efforts have been made to ensure validity through analytical interpretation, the lack of broader comparative data and limited access to specialised therapeutic facilities also affect the depth of the evaluation, particularly in assessing the effectiveness of recovery services. Strengthening institutional capacity, especially in providing adequate psychological rehabilitation infrastructure, is essential to optimise victim assistance. Policymakers and practitioners are encouraged to enhance coordination among legal, medical, and social service providers to ensure more comprehensive and sustainable protection for victims.

Future studies are recommended to adopt a comparative, multi-site research design to examine variations in institutional practices across different regions. The integration of quantitative methods alongside qualitative approaches would also strengthen the robustness of findings and reduce potential bias. Further research should examine the long-term effectiveness of recovery programs, the role of community-based support systems, and the operationalisation of *Maqāṣid al-Sharī'ah* within contemporary legal institutions. Expanding the analytical scope to include policy evaluation and interdisciplinary perspectives would contribute to a more comprehensive understanding of victim protection in both legal and socio-religious contexts.

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