

Criminal Liability of a Juvenile Offender in Sexual Violence Resulting in Reproductive Organ Injury to the Victim: A Study of Decision No. 12/Pid.Sus-Anak/2025/PN Sbw

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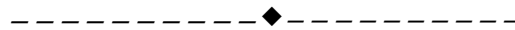
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Abstract

This study examines juvenile criminal liability and judicial reasoning in Decision No. 12/Pid.Sus-Anak/2025/PN Sbw through the lens of proportional justice. Employing normative (doctrinal) legal research, the study applies statutory, conceptual, and case approaches by analyzing the applicable legal framework on juvenile justice and sexual violence, relevant criminal law doctrines on liability and causation, and the structure of the court's reasoning. The findings show that the elements of criminal liability were established covering the *actus reus*, *mens rea*, accountability, and the causal nexus between the conduct and the victim's injury, and yet the sentencing rationale largely centered on the offender's status as a child under the Juvenile Criminal Justice System Act. As a result, the judgment did not sufficiently articulate the victim's severe reproductive harm as a decisive aggravating factor for proportional sentencing. This study argues for more robust and transparent judicial reasoning that integrates juvenile justice principles with victim-protection mandates, including a harmonized reading of the juvenile justice regime and the sexual violence legal framework, to secure a substantively fair balance between child protection and victims' rights.

Keywords: *Juvenile Criminal Liability, Sexual Violence, Proportional Justice, Reproductive Organ Damage, Victim Protection.*



A. INTRODUCTION

Sexual violence constitutes a criminal offence that generates layered and far-reaching consequences for victims, encompassing physical, psychological, social, and reproductive dimensions. From a physical standpoint, sexual violence may cause both visible and concealed injuries, including damage to reproductive organs that may be permanent and significantly affect the victim's biological functioning. Psychologically, victims often endure prolonged trauma, persistent fear, diminished feelings of safety, and behavioural changes that disrupt daily functioning (Marotta & Malizia, 2022; Santoso & Satria, 2023; Tursilarini et al., 2024). Within the social sphere, stigma and negative labelling frequently exacerbate suffering by placing victims in a vulnerable position, exposing them to exclusion, social punishment, and discriminatory treatment. In terms of reproductive consequences, the harm extends beyond immediate injury and may affect the victim's future, including reproductive health, life planning, and long-term social relationships (Sowersby et al., 2022; Yuriah et al., 2024).

Developments in criminal law reflect a shift in emphasis in the understanding of sexual violence. Sexual violence is no longer perceived merely as a violation of morality or decency norms, but rather as an assault on bodily integrity and human dignity. This orientation carries significant conceptual implications: the criminal justice system cannot remain limited to proving the act alone, but must also provide space for recognition of the victim's suffering and the necessity of recovery (Kane et al., 2024; Suseno et al., 2025). The state has reinforced this direction through Law Number 12 of 2022 on Sexual Violence Crimes (Bahasa: *Undang-Undang Tindak Pidana Kekerasan Seksual/UU TPKS*), which strengthens a victim-based approach. UU TPKS establishes a framework that highlights protection, recovery, rehabilitation, and restitution, while broadening the perspective of sexual violence adjudication from mere offender punishment toward victim recovery as an inseparable component of justice.

The complexity becomes more pronounced when the perpetrator of sexual violence is a child. The Indonesian legal system provides special treatment for children as legal subjects who remain in the process of physical and psychological development. Law Number 11 of 2012 on the Juvenile Criminal Justice System (Bahasa: *Undang-Undang Sistem Peradilan Pidana Anak/UU SPPA*) acknowledges the possibility of criminal liability for children in conflict with the law, accompanied by special mechanisms emphasizing guidance and social reintegration (Csorba et al., 2024; Keenan & Zinsstag, 2022). This approach is grounded in rehabilitative principles, the avoidance of the harmful effects of repressive punishment, and the placement of imprisonment as a measure of last resort (*ultimum remedium*). Such an orientation is rooted in the view that the legal response toward juvenile offenders should not be purely retaliatory, but should function as an effort to cultivate responsibility and prevent recidivism.

The legal and moral gravity of the case increases substantially when sexual violence committed by a child results in damage to the victim's reproductive organs. Such harm carries both juridical and humanistic significance: it indicates the seriousness of the consequences, demonstrates the extent of the victim's suffering, and generates complex recovery needs (Erbaş, 2022; Kaur et al., 2022; Purba et al., 2024). Permanent impairment of reproductive function may affect health, self-identity, social relationships, and the victim's future, particularly when the victim is also a child. Under such circumstances, the judiciary faces the demand for more mature and rigorous legal reasoning, since protection of the juvenile offender remains relevant, while the victim's rights to justice, protection, and recovery require equal and concrete recognition (Julich et al., 2024; Morina et al., 2023).

The application of law in sexual violence cases involving juvenile offenders brings together two legal regimes with distinct orientations. UU SPPA is grounded in a child-centered approach that positions the best interests of the child as a dominant principle within the judicial process (Dos Santos et al., 2024; Krienert et al., 2025; Miziara et al., 2022). This principle functions as a safeguard against excessive

punishment while promoting rehabilitative measures that consider the child's future. UU TPKS, in contrast, operates through a victim-centered approach that places the victim at the core of the legal response through recovery, restitution, protection, and recognition of the harm endured (Zakaria et al., 2023). This divergence in orientation creates tension when both legal frameworks apply simultaneously, especially when the consequences suffered by the victim are severe.

Decision of the Sumbawa Besar District Court Number 12/Pid.Sus-Anak/2025/PN Sbw imposed a sentence of institutional guidance for ten months and vocational training for two months upon the juvenile offender. This judgment raises questions regarding the proportionality of the sanction in relation to the harm experienced by the victim, particularly where reproductive organ damage and potential psychological consequences are present. The principle of proportional justice requires consistency between the offender's degree of culpability, the seriousness of the harm, and the penal response. When sentencing considerations revolve primarily around the offender's status as a child without adequately addressing the severe consequences borne by the victim, a fundamental issue arises: to what extent does the judgment demonstrate a fair balance between the protection of the juvenile offender and the recognition of the victim's rights.

The scholarly literature on children in conflict with the law has developed extensively, particularly in relation to diversion, rehabilitation, restorative justice, and the rehabilitative aims of juvenile sentencing (Dragojlović, 2022; Niluh, n.d.; Ramadianto et al., 2025). Research on the protection of victims of sexual violence has also expanded, especially through victimological approaches and victim-oriented criminal policy. Studies focusing specifically on sexual violence committed by children with severe consequences in the form of reproductive organ injury remain relatively limited, particularly in relation to judicial reasoning within court decisions (Aidy & Sanaky, 2022; Angriani & Abdulajid, 2023; Setiawan et al., 2022).

This limitation is also apparent in studies that examine *ratio decidendi* in depth within cases involving juvenile perpetrators of sexual violence. Many studies remain confined to normative descriptions of applicable legal rules without critically testing the structure of judicial argumentation: which legal grounds constitute the decisive basis of the judgment, which factors are treated as central, and which aspects are marginalized. The interaction between UU SPPA and UU TPKS also generates a normative harmonization problem requiring a systemic interpretation. Debates on how to position rehabilitative orientation in cases involving severe harm, and how to uphold victim protection without undermining the principle of child protection, demand sharper analysis through modern proportionality theory and a constitutional perspective on balancing competing rights.

This research offers contributions on multiple levels. First, the judgment is examined through an emphasis on *ratio decidendi*, enabling a systematic mapping of judicial considerations and an assessment of their explanatory strength in addressing the victim's severe harm. Second, the evaluation of sentencing proportionality is not confined to a single theoretical reference but integrates modern proportionality theory

with integrative theories of punishment in order to assess the compatibility between culpability, harm, and the objectives of juvenile sentencing. Third, the study explores the normative relationship between UU SPPA and UU TPKS through a framework of norm conflict and harmonization, formulating the possibility of an integrative model that maintains protection for the juvenile offender while ensuring that victim recovery is given appropriate legal recognition. Fourth, the study employs a human rights and constitutional perspective through the concept of constitutional balancing in order to assess the equilibrium between the rights of the juvenile offender and the rights of the victim as a measure of substantive justice.

This research is designed to address three interrelated and central inquiries. It first examines how juvenile criminal liability is constructed in cases of sexual violence that result in reproductive organ injury to the victim, as reflected in Decision Number 12/Pid.Sus-Anak/2025/PN Sbw. The study then evaluates the court's ratio decidendi by testing the adequacy of its reasoning through the lens of proportional justice, particularly in relation to the seriousness of the harm suffered by the victim. Finally, the research explores how the normative tension between the Juvenile Criminal Justice System Act (UU SPPA) and the Sexual Violence Crimes Act (UU TPKS) shapes judicial reasoning, and proposes a model of harmonization capable of ensuring a balanced and coherent legal response in comparable cases.

B. LITERATURE REVIEW

1. Concept of Juvenile Criminal Liability

Criminal liability is a foundational pillar of criminal law that determines whether a person may be punished for a particular act. Classical doctrine conceptualizes liability as the convergence of the criminal act, *actus reus*, and culpability, *mens rea*. The element of *actus reus* refers to external conduct that fulfils the statutory definition of an offence, while *mens rea* concerns the perpetrator's state of mind at the time of the act, whether in the form of intent, *dolus*, or negligence, *culpa*. These elements operate as safeguards against arbitrary punishment by ensuring that penal sanctions are grounded in legality and supported by verifiable proof (Chrysan et al., 2020; Kerka & Taho, 2022).

Criminal liability is inseparable from the principle of *geen straf zonder schuld*, meaning no punishment without fault. This principle carries both moral and legal weight, because criminal punishment is justified only where the offender's blameworthiness can be established in a normatively defensible manner. Fault is not merely the performance of a socially disapproved act; it reflects the capacity to understand the consequences of one's conduct and to exercise self-control. The principle functions as a restraint on penal power, preventing the imposition of punishment where, psychologically or normatively, an individual cannot fairly be held accountable (CHUNG Wai Man, 2020; Utami et al., 2023).

Closely connected to this is the notion of responsibility capacity, *toerekeningsvatbaarheid*, which determines whether a person qualifies as an accountable legal subject. *Toerekeningsvatbaarheid* is associated with mental condition and

psychological development, including the ability to distinguish right from wrong and to control behaviour. Modern criminal law doctrine treats this capacity as an inherent requirement of liability, so that persons suffering from severe mental disorders or other circumstances that negate volitional control may be exempted from punishment through excusing grounds (Ariyanti, 2019; Campbell et al., 2019; Imaroh et al., 2023).

2. Sexual Violence and Victim Protection Framework

Sexual violence is a distinctive form of criminality because it strikes at core aspects of human dignity, namely bodily integrity, sexual autonomy, and personal security. Contemporary criminal law scholarship increasingly frames sexual violence as a serious human rights violation, given that it typically involves domination, coercion, and the deprivation of bodily autonomy (Permanasari, 2018; Tatyana, 2021). The harms it produces extend beyond physical injury to include psychological trauma that may persist over time and, in some cases, become enduring. This understanding underscores that sexual violence cannot be treated as an ordinary offence; it implicates the right to live in dignity.

Victim protection in modern legal systems has developed in response to the recognition that victims should not be treated merely as sources of evidence. Victims are rights-bearing subjects entitled to recognition, protection, and recovery. Indonesia's Sexual Violence Crimes Act, UU TPKS, reflects this development by adopting a victim-centred orientation within criminal proceedings. Protection is not confined to physical security from intimidation or retaliation, but includes medical rehabilitation, psychological rehabilitation, restitution, and forms of social support that enable victims to restore their lives in a dignified manner (Aidy & Sanaky, 2022; Angriani & Abdulajid, 2023).

Victimological studies reinforce this framework by placing victims at the centre of the analysis of criminal harm. Victimology observes that survivors of sexual violence often experience layered suffering, including emotional trauma, diminished self-confidence, anxiety, depression, and fear in social relationships. These harms may not be fully visible in formal evidentiary processes, yet they significantly shape future well-being (Angriani & Abdulajid, 2023; Niluh, n.d.). For child victims, trauma may disrupt identity formation, relational patterns, and emotional stability. Sentencing that fails to account for this substantive dimension of harm risks producing justice deficits, because the victim's lived consequences remain insufficiently recognised.

3. Proportionality in Sentencing

Proportionality is a central concept in sentencing because it functions as a moral and legal measure for assessing whether punishment corresponds to the offence, the offender's culpability, the harm caused, and the aims of punishment. Proportionality helps prevent two problematic extremes: excessively lenient sanctions that disregard victims' suffering, and excessively harsh sanctions that exceed reasonable limits and undermine principles of humanity. Within modern criminal justice systems,

proportionality is not merely an abstract ideal; it operates as a guiding principle for judicial reasoning and justification (Aidy & Sanaky, 2022; Niluh, n.d.).

The just deserts approach requires punishment to be commensurate with culpability and harm. It frames sentencing as a form of distributive justice, where offenders receive sanctions proportionate to the wrong committed. This approach rejects purely utilitarian punishment that emphasises social benefit while overlooking moral blameworthiness. It demands a coherent relationship between the seriousness of the offence and the severity of the sanction, implying that grave consequences suffered by the victim should be reflected in the sentencing outcome.

Relative retributivism accepts retribution as one component of justice while rejecting absolute retaliation. It views punishment not only as deserved response but also as an instrument for protecting society and preventing future offending. This approach allows rehabilitative goals to inform sentencing, particularly where the offender is a child, while maintaining that victims' harms must still be meaningfully acknowledged within the judgment (Niluh, n.d.; Utami et al., 2023).

Limiting retributivism offers a moderate framework by treating retribution as the upper boundary of punishment rather than its sole foundation. Under this approach, culpability and harm set the maximum justified sanction, while other goals such as rehabilitation and prevention may shape the specific form of punishment provided that the sanction remains within that limit. This framework is especially relevant to juvenile sentencing because it enables the integration of rehabilitative objectives without eliminating the requirement to take seriously the gravity of the harm caused.

4. Norm Conflict between UU SPPA and UU TPKS

Normative conflict may arise when two simultaneously applicable legal regimes pursue different orientations and objectives, particularly when both govern the same case. In sexual violence cases committed by children, UU SPPA and UU TPKS generate normative tension because they reflect protection paradigms that do not fully align. UU SPPA is designed to ensure that child offenders receive special treatment oriented toward education, rehabilitation, and reintegration. Its defining features include the best interests of the child, the principle of *ultimum remedium*, and a rehabilitative sentencing orientation intended to prevent long-term harm to the child's future caused by repressive criminal processes.

UU TPKS embodies a different orientation by placing the victim at the centre of the legal response through protection, recovery, rehabilitation, and restitution. Its victim-centred approach reflects a commitment to treating the victim's suffering as a substantive element within criminal justice, while also affirming sexual violence as a serious violation requiring a progressive legal response (Dragojlović, 2022; Ramadianto et al., 2025). This includes recognition of victims' rights as an integral component of substantive justice.

This tension raises important conceptual questions. UU TPKS may provide a normative basis for strengthening victim protection and for treating severe harm as

an aggravating factor. At the same time, UU SPPA may constrain punitive escalation because juvenile sentencing prioritises rehabilitation. Conflict analysis may invoke interpretive principles such as *lex specialis derogat legi generali* and *lex posterior derogat legi priori*, given the specificity and relative recency of UU TPKS in the field of sexual violence. These principles, however, cannot be applied mechanically, because UU SPPA is also a special statute that specifically governs children as legal subjects.

5. Ratio Decidendi in Judicial Reasoning

Judicial decisions are products of legal reasoning that determine the fate of the accused and shape interpretive practice for future cases. In legal theory, *ratio decidendi* refers to the primary legal reason that grounds the decision. It contains the binding core argument explaining why the court reached its conclusion based on established facts and applicable norms. This must be distinguished from *obiter dicta*, which consist of additional remarks or considerations that do not determine the outcome of the judgment (Dos Santos et al., 2024; Morina et al., 2023).

Examining *ratio decidendi* is essential because the quality of a judgment is assessed not only through formal conformity with statutory rules but also through the coherence and persuasiveness of the court's justification. Judges do not merely apply norms literally; they interpret them and construct balances among the interests of offenders, victims, and society. Sound judicial reasoning should include juridical considerations such as fulfilment of offence elements, sociological considerations concerning broader social impact, victimological considerations relating to harm suffered by the victim, and the aims of punishment embedded in the legal system (Krienert et al., 2025; Suseno et al., 2025; Zakaria et al., 2023).

In juvenile sexual violence cases involving severe harm, *ratio decidendi* becomes a critical site for evaluating whether the victim's suffering has been treated as integral to the court's reasoning. Where the justification centres predominantly on the offender's status as a child without articulating the victim's serious injuries, the judgment risks signalling inadequate recognition of victim harm (Angriani & Abdulajid, 2023; Kaur et al., 2022; Niluh, n.d.). Analysis of *ratio decidendi* can also reveal whether proportionality has been meaningfully applied, or whether UU SPPA has been treated as the sole governing framework without integrating the victim-protection mandate reflected in UU TPKS.

6. Human Rights and Constitutional Perspective

Sentencing in cases involving juvenile perpetrators of sexual violence must be situated within human rights and constitutional norms. The 1945 Constitution, UUD 1945, guarantees child protection through Article 28B(2), affirming every child's right to survival, growth and development, and protection from violence and discrimination. This constitutional norm requires the state to treat children as subjects entitled to protection, including when a child is positioned as an offender. Such protection is not intended to erase criminal responsibility, but to ensure that the legal response does not disproportionately damage the child's future.

The Constitution also guarantees protection for victims. Article 28G(1) affirms the right to personal protection, honour, dignity, and security from threats of fear. In sexual violence cases, this right directly implicates the victim's physical security, bodily integrity, and psychological protection. The constitutional significance of the victim's rights becomes even more pronounced where the victim is also a child, because the harm entails not only bodily violation but also the loss of safety that the state is obliged to secure.

The principle of equality before the law also informs this analysis. Equality does not demand identical treatment regardless of circumstances; it requires fair protection calibrated to need and vulnerability. This principle implies that protection for the child offender must not nullify protection for the victim. In this context, constitutional balancing becomes essential. Constitutional balancing requires an equitable accommodation between two constitutionally protected interests, the child offender's right to protection and the victim's rights to security, dignity, and recovery (Aidy & Sanaky, 2022; Campbell et al., 2019; Krienert et al., 2025).

C. METHOD

This study employs normative (doctrinal) legal research that conceptualizes law as a structured system of norms governing legal relations and judicial decision-making. It focuses on the doctrinal assessment of juvenile criminal liability in cases of sexual violence resulting in severe bodily harm, particularly damage to the victim's reproductive organs. The analysis is grounded in statutory regulation, legal doctrine, and judicial reasoning, with specific attention to how courts formulate liability and sentencing considerations within the juvenile justice system. To achieve this objective, the research applies three complementary approaches. The statute approach systematically examines the legal framework on juvenile justice, sexual violence, child protection, and victim protection in Indonesia to interpret legislative intent and normative principles concerning accountability and victim-centered justice. The case approach centers on an in-depth analysis of Decision No. 12/Pid.Sus-Anak/2025/PN Sbw, reconstructing the court's factual findings, legal qualification of the act, and ratio decidendi, particularly in relation to proportional sentencing given the gravity of the victim's harm. The conceptual approach clarifies and applies key doctrines—such as actus reus, mens rea, culpability, modified juvenile responsibility within rehabilitative justice, proportionality in sentencing, and the legal standing of victims' rights—to ensure coherence between positive law and theoretical foundations.

Legal materials were collected through library-based research and classified into primary, secondary, and tertiary sources. Primary materials include authoritative statutes and regulations concerning juvenile justice, sexual violence, child protection, and victim protection, as well as Decision No. 12/Pid.Sus-Anak/2025/PN Sbw as the principal case under review. Secondary materials consist of textbooks, peer-reviewed journal articles, research reports, and scholarly commentaries addressing juvenile criminal liability, sexual violence jurisprudence, victimology, and proportionality in sentencing, while tertiary materials, such as legal dictionaries and encyclopedias, were

used to ensure terminological precision. The collected materials were analyzed through qualitative legal analysis using systematic and grammatical interpretation to construct coherent legal arguments and maintain consistency between normative sources and judicial reasoning. The analytical process involved mapping applicable legal norms and principles, identifying legally relevant facts established in the judgment, and evaluating the alignment between the normative framework and its judicial application. The findings are presented descriptively and analytically, emphasizing the assessment of criminal liability, the court's ratio decidendi, sentencing proportionality, and the normative tension between the juvenile justice regime and the victim protection framework.

D. RESULT AND DISCUSSION

1. Juvenile Criminal Liability in Sexual Violence Cases

Criminal liability in cases of sexual violence committed by a juvenile requires an interpretation that is not limited to a formal examination of the offence elements, but also critically reflects upon the structure of culpability and the offender's capacity for responsibility. Modern criminal law conceptualizes liability as the outcome of the interaction between *actus reus* and *mens rea*, accompanied by the capacity to be held responsible as an essential prerequisite for punishment. Within this framework, an assessment of Decision No. 12/Pid.Sus-Anak/2025/PN Sbw must begin with the construction of the offence elements that the court found to have been proven.

From the perspective of *actus reus*, the court held that the juvenile offender was proven to have engaged in sexual intercourse with the child victim. This objective element was established through a set of mutually reinforcing evidence, including witness testimony, the defendant's confession, and a *visum et repertum* indicating a tear in the victim's hymen. This evidentiary structure demonstrates that the conduct fulfilled the statutory definition of the offence as regulated under the relevant laws governing sexual violence against children. Formally, this construction confirms that the act element was satisfied, as there was a concrete act consistent with the normative description set out in legislation.

The *visum et repertum* as medical evidence occupies a significant position in this case. The hymenal tear not only confirms the occurrence of sexual intercourse but also serves as an indicator of physical harm suffered by the victim. In evidentiary terms, the medical report strengthens witness statements and the defendant's confession, thereby reinforcing the judge's conviction that the act had occurred. The evaluation of this evidence confirms that the objective component of the offence was tested through evidentiary mechanisms that are legally valid within juvenile criminal procedure.

The next aspect concerns *mens rea* or the element of culpability. Criminal law doctrine affirms that an act cannot be treated as a criminal offence solely because it fulfils the statutory formulation; it must also be accompanied by blameworthy fault that can be normatively reproached. In this case, fault is understood in the form of intent, *dolus*, since the act was carried out consciously and without the victim's

consent. There is no indication that the conduct resulted from mistake or negligence. The factual structure presented in the decision reflects the presence of will and awareness in the commission of the act, so the element of intent may be regarded as satisfied.

The principle of *geen straf zonder schuld* provides a crucial foundation for assessing the legitimacy of punishment. This principle ensures that criminal sanctions are imposed only on individuals who possess fault and who can be held accountable. In this case, the offender was 16 years old, an age that under UU SPPA meets the statutory threshold for criminal responsibility. This age threshold reflects the legal recognition that, at a certain stage of development, a child possesses the cognitive and moral capacity to understand the consequences of his actions.

Capacity for responsibility, *toerekeningsvatbaarheid*, constitutes an additional requirement that cannot be disregarded. Modern criminal law doctrine treats this capacity as the moral foundation of punishment. There are no facts indicating the presence of mental disorder, extreme psychological pressure, or coercion that would negate the offender's culpability. These circumstances reinforce the conclusion that, both normatively and psychologically, the offender possessed the capacity to account for his actions. Accordingly, the act element, the culpability element, and the capacity for responsibility were all satisfied in this case.

Even so, the juvenile justice system introduces modifications in the form of penal response. Juvenile criminal liability does not eliminate the element of fault, but alters the orientation of punishment. Sentencing for children is not intended as retribution in its classical sense, but rather as a mechanism of guidance and social reintegration. This perspective is rooted in the recognition that children remain in a stage of psychological development that has not yet fully matured, so the legal response must be directed toward behavioural improvement and the prevention of reoffending.

UU SPPA positions punishment as *ultimum remedium*, meaning that penal sanctions should be applied only as a last resort after considering other, more restorative approaches. This orientation indicates that the imposition of juvenile criminal liability does not automatically lead to severe punishment, but must take into account the long-term impact on the child's development. Within the framework of criminal policy, the balance between societal protection and offender rehabilitation becomes a guiding principle in determining sanctions.

The decision imposing institutional guidance for ten months and vocational training for two months reflects the application of this rehabilitative principle. The court appears to have prioritised the juvenile offender's future by selecting sanctions oriented toward guidance and rehabilitation. This approach aligns with the mandate of UU SPPA, which emphasizes social reintegration. The penal response imposed does not take the form of repressive imprisonment, but rather a rehabilitative measure intended to improve the offender's behaviour.

Although the attribution of criminal liability to the juvenile offender is normatively valid and consistent with the construction of UU SPPA, a substantive

issue emerges at the level of proportionality assessment. The fulfilment of offence elements and culpability is not the sole relevant factor in evaluating the quality of a judicial decision. The seriousness of the harm suffered by the victim, particularly reproductive organ injury, demands deeper reflection on whether the penal response has adequately balanced the protection of the juvenile offender with recognition of the victim's suffering.

Juvenile criminal liability in sexual violence cases does not end with the establishment of offence elements. It contains ethical and social dimensions that relate to public perceptions of justice and the protection of victims. Integrating rehabilitative principles with the state's obligation to protect victims remains a central challenge in judicial practice. When rehabilitative orientation becomes overly dominant without a substantive engagement with the severe harm endured by the victim, the risk of imbalance in the judgment becomes evident.

The analysis demonstrates that, formally, the requirements of criminal liability were satisfied and the legitimacy of punishment is not disputed from a doctrinal standpoint. The remaining challenge lies in how the justice system situates such liability within a broader framework of justice, including the balance between rehabilitating the juvenile offender and ensuring meaningful victim recovery. It is at this point that further discussion on proportionality, normative conflict, and constitutional dimensions becomes particularly relevant.

2. The Effects of Damage to Reproductive Organs as a Legal Factor

The consequence of reproductive organ injury in cases of sexual violence carries significant juridical relevance, as it reflects the intensity of the violation of the victim's bodily integrity and determines the level of seriousness of the criminal offence. Within the construction of criminal law, such consequences are not merely supplementary medical facts, but may function as substantive elements that shape the legal character of the offence, the weight of the offender's culpability, and the proportionality of sentencing. In this case, reproductive organ injury was established through a *visum et repertum* indicating a tear in the victim's hymen. The medical report not only confirms the occurrence of sexual intercourse but also demonstrates a concrete and measurable physical impact on the victim. From the perspective of criminal evidentiary standards, medical evidence of this nature carries objective probative value because it is based on professional examination grounded in medical science, thereby strengthening the legal construction of the harm suffered by the victim.

The consequence is a crucial element in material offences, as it determines whether an act may be classified as a particular crime and how serious that crime should be considered. A material offence requires the existence of a tangible outcome arising from the offender's conduct, meaning that legal evaluation does not focus solely on the act itself, but also on the loss or suffering produced as its result. Reproductive organ injury cannot be regarded as minor harm because it affects bodily functions of vital biological significance and carries long-term implications. Such

injury reflects a deeper violation than ordinary physical wounds, as its impact is not merely temporary but may shape the victim's life in the long term. Where the victim is a child, reproductive organ injury also intersects with bodily development that has not yet fully matured, increasing the risk of medical complications and future reproductive health disturbances. For these reasons, this consequence should juridically be treated as a factor that elevates the seriousness of the offence.

The existence of severe consequences is also closely connected to the attribution of criminal responsibility. In modern criminal law theory, the causal relationship between the offender's conduct and the resulting harm constitutes the foundation for assigning liability. Causation ensures that the consequence is genuinely a product of the offender's act, rather than the result of an independent intervening factor. Ashworth (2013) emphasizes that harm in criminal law must constitute a reasonably foreseeable consequence of the offender's conduct. The foreseeability principle is important because criminal law does not assess causation purely in a mechanical sense, but also evaluates whether the harm represents a risk that is normally inherent in the offender's act.

The medical facts indicate that the hymenal tear was a direct consequence of the sexual intercourse committed by the offender against the victim. No facts suggest the presence of an intervening factor that could break the chain of causation, such as third-party actions, accidental injury, or an independent medical condition. The causal relationship between the offender's conduct and the victim's reproductive organ injury may be regarded as legally satisfied. This causation strengthens the argument that the offender is responsible not only for the act of sexual intercourse itself, but also for the serious harm that arose as a direct consequence of that act. This condition illustrates that severe consequences form part of the criminal reality of the offence and must be taken into account when determining the weight of culpability and sentencing proportionality within criminal law doctrine.

Reproductive organ injury as a physical consequence also carries psychological and social dimensions that cannot be separated from juridical analysis. Sexual violence generally produces long-term trauma that may not always be measurable through medical evidence, yet has real implications for the victim's quality of life. Victimological perspectives emphasize that victims of sexual crimes often suffer psychological disturbances such as persistent fear, depression, anxiety, sleep disorders, and behavioural changes that hinder social development (Jülich et al., 2024). Such trauma may evolve into psychological wounds far more severe than physical injury, particularly for child victims who remain in the process of identity formation. Psychological impacts may further extend into the social sphere, including stigma, social pressure, and difficulties in establishing healthy relationships in the future.

(Morina et al., 2023) emphasizes that victim protection, particularly for child victims, must be positioned as an integral component of the judicial process. This principle requires that legal proceedings not focus solely on the offender, but also substantively consider the suffering endured by the victim. Reproductive organ

injury demonstrates that the victim has not only experienced a violation of dignity but has also suffered harm that may permanently affect her future. In this context, victim protection cannot be fulfilled merely through formal acknowledgment in the judgment, but must be reflected in judicial reasoning that treats severe harm as a relevant juridical factor.

From the perspective of criminal law policy, UU TPKS reinforces the paradigm that the consequences of sexual violence must be understood as serious violations of victims' rights and that recovery constitutes an integral part of justice. UU TPKS emphasizes the importance of medical and psychological rehabilitation, as well as restitution as a form of accountability toward victims. This framework demonstrates that reproductive organ injury should not be treated merely as supporting evidence, but must be recognized as a normative basis that strengthens the demand for victim protection. Judges should treat such harm as an element influencing sentencing proportionality, because punishment that fails to adequately account for victims' suffering risks producing inequality and injustice.

Reproductive organ injury therefore serves multiple juridical functions in this case. First, it operates as an indicator of the seriousness of the offence, distinguishing it from sexual violence cases that do not involve severe physical harm. Second, it strengthens the attribution of criminal responsibility through the existence of a clear causal nexus between the offender's conduct and the victim's condition. Third, it produces psychological and social consequences that should form part of judicial consideration in determining criminal sanctions. In sexual violence cases involving child victims, reproductive organ injury should be positioned as a factor that intensifies the urgency of victim protection and as a crucial parameter in assessing whether the judgment reflects proportional justice.

3. Proportional Justice in Judicial Considerations

Proportional justice is a crucial principle in sentencing because it serves as a benchmark for assessing whether a judicial decision reflects a reasonable balance between the criminal act, the degree of culpability, the resulting harm, and the objectives of punishment. In cases of sexual violence committed by a child, this principle becomes increasingly significant because the legal system is required not only to enforce accountability against the offender, but also to ensure protection for victims who are generally placed in a vulnerable position. Decision No. 12/Pid.Sus-Anak/2025/PN Sbw demonstrates that the court applied sentencing mechanisms under UU SPPA by imposing institutional guidance for ten months and vocational training for two months. From a normative standpoint, the decision appears consistent with the orientation of the juvenile justice system, which prioritizes rehabilitation.

Evaluating the court's reasoning through the lens of proportional justice reveals critical concerns regarding the extent to which the decision genuinely reflects a substantive balance between the juvenile offender's interests and the victim's suffering. The principle of the best interests of the child constitutes one of the

dominant foundations of the juvenile criminal justice system. This principle affirms that children in conflict with the law should not be treated in the same manner as adult offenders, since their psychological and social development remains in a formative stage. (Niluh, n.d.) emphasizes that juvenile sentencing is fundamentally directed toward rehabilitation and the prevention of reoffending, rather than retribution. Within this framework, judges are expected to avoid punitive measures that are repressive in nature and potentially damaging to the child's future. This rehabilitative orientation is consistent with the objective of social reintegration that forms the core of UU SPPA. The decision in this case illustrates that the court placed significant emphasis on the offender's age and future prospects, resulting in sanctions structured as institutional guidance and vocational training rather than imprisonment with a repressive character. This reflects an explicit application of the best interests principle within the judgment.

Applying the best interests of the child cannot be interpreted as a justification for neglecting other equally significant considerations, particularly the rights of the victim. In sexual violence cases, victims suffer not only physical harm but also psychological and social injuries that often persist over time. The gravity of this condition increases where the victim is also a child, since the victim bears a dual vulnerability: as an individual subjected to sexual violation and as a developing person whose psychological growth may be disrupted by trauma. The best interests principle, although essentially protective in nature, must not be applied in a one-sided manner solely for the benefit of the offender. Protection within the juvenile justice system should be balanced, because the victim may also fall within the category of a child entitled to equally strong legal protection.

Rawls' theory of justice (1971) in (Setiawan et al., 2022) emphasizes that justice must be grounded in the principle of fairness, meaning that rights and obligations should be distributed in a balanced manner so that no party suffers structural disadvantage. Fairness requires that the legal system should not allow the interests of one party to dominate those of another. While the rehabilitative approach toward the offender is normatively legitimate, it must be accompanied by recognition and protection of the victim. Justice cannot be achieved when a judgment focuses primarily on the offender's future while failing to assign adequate weight to the victim's suffering. Rawls' perspective underscores that protection for vulnerable parties must be distributed fairly. Where the victim is also a child and has suffered severe harm, the justice system is required to establish an equitable balance of protection between two parties who are both vulnerable.

The balance between offender protection and victims' rights becomes a critical issue in sexual violence cases involving severe consequences. In this decision, the victim suffered reproductive organ injury, a condition that may produce permanent medical and psychological effects. Such harm not only causes physical suffering but may also shape the victim's future in terms of health, identity development, and social relationships. The victim-centred justice framework reinforced by UU TPKS indicates that the victim's suffering should constitute a substantive element in sentencing

considerations. Victim protection cannot be realized merely through acknowledgment that harm has occurred; it must also be reflected in the court's reasoning when determining sentencing proportionality. A decision that fails to elaborate the serious consequences experienced by the victim risks producing moral imbalance, as the victim's suffering receives less weight than the court's attention to the offender's future.

Proportionality theory in sentencing requires consistency between the offender's culpability, the severity of harm caused, and the type and magnitude of the sanction imposed. (Aidy & Sanaky, 2022) argues that proportionality functions as a fundamental principle preventing sentencing from becoming arbitrary, since punishment must reflect the seriousness of the offence. The seriousness of an offence is not determined solely by the nature of the act, but also by the actual harm endured by the victim. Reproductive organ injury constitutes a clear indicator that the offence produced severe consequences. Such consequences should elevate the weight of judicial consideration, both in determining the form of sanction and in assessing whether rehabilitative sentencing sufficiently reflects substantive justice.

The sentence of ten months of institutional guidance and two months of vocational training is formally consistent with the framework of UU SPPA. The decision may be understood as an implementation of rehabilitative objectives that place guidance and reintegration at the forefront. However, formal conformity does not automatically equate to proportional justice. From a proportionality perspective, the central question is not merely whether the sanction is legally permitted, but whether it substantively reflects a fair balance between offender protection and victim suffering. The decision indicates that the court's reasoning largely focused on the offender's status as a child, while the victim's reproductive organ injury was not explicitly elaborated as a decisive aggravating factor. When severe harm is not treated as a central element of judicial reasoning, the proportionality of sentencing becomes questionable, as the sanction imposed may fail to represent the seriousness of the consequences experienced by the victim.

Proportional justice in juvenile sexual violence cases should be constructed through the integration of three essential elements: the offender's culpability, the severity of the harm, and the victim's rights. Such integration enables judges to maintain a rehabilitative approach in accordance with UU SPPA while still positioning the victim as a rights-bearing subject entitled to recognition and protection. Sentencing that emphasizes rehabilitation does not inherently disregard victim suffering, since modern legal systems require victim recognition as an integral part of justice. An ideal judgment should provide a more comprehensive explanation of how reproductive organ injury influences sentencing considerations, including how the decision responds to the victim-protection mandate contained in UU TPKS.

This analysis indicates that the decision has not fully reflected proportional justice in a substantive sense. Although the best interests of the child principle has been applied, the court's reasoning does not demonstrate a strong argumentative balance that integrates the serious consequences suffered by the victim. Substantive

justice requires more than procedural application of UU SPPA; it requires judicial reasoning that explicitly acknowledges the victim's rights to protection, recovery, and recognition of harm. Without such integration, the judgment risks producing an imbalance of legal protection, where the offender's future is given dominant consideration while the victim's future, which has been permanently affected by the offence, receives insufficient legal recognition.

E. CONCLUSION

This study concludes that the child perpetrator in Decision Number 12/Pid.Sus-Anak/2025/PN Sbw has legally fulfilled the requirements for criminal responsibility because the elements of criminal acts and mistakes have been fulfilled, the ability to take responsibility exists, and the causal relationship between the perpetrator's actions and the consequences experienced by the victim has been proven. The judge's considerations also show conformity with the framework of the SPPA Law which emphasizes a rehabilitative approach and the best interests of the child, but the reasoning of the decision does not fully reflect proportional justice because the serious consequences in the form of damage to the victim's reproductive organs have not been adequately described as a factor determining the severity of the punishment. This condition emphasizes the need for stronger interpretative integration between the SPPA Law and the TPKS Law so that protection for child perpetrators continues without reducing the recognition, protection, and restoration of victims' rights.

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