

Article Title

## The Juridical Implications of an Acquittal for the Legal Protection of Children in Sexual Abuse Cases

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How to cite:

Akbar, A, Pawennei, N., & Arsyad, N. (2025). The Juridical Implications of an Acquittal for the Legal Protection of Children in Sexual Abuse Cases. *Al-Ishlah: Jurnal Ilmiah Hukum*, 28(2), 191-201.

## ABSTRACT

The acquittal verdict in cases of child sexual abuse has generated debate between the demand for victim protection and the principle of procedural justice in criminal procedural law. This study aims to analyze the juridical implications of acquittal decisions on child legal protection through an examination of the Parepare District Court Decision No. 61/Pid.Sus/2024/PN.Pre, which has obtained final legal force. The research employs a normative legal approach using statutory analysis and judicial decision review. Legal materials are analyzed qualitatively to assess the conformity of judicial reasoning with evidentiary principles under the Criminal Procedure Code (KUHAP) and the Child Protection Law. The findings indicate that the acquittal constitutes a juridical consequence of the failure to fulfill the elements of the offense and the absence of judicial conviction based on the evidentiary standard set forth in Article 183 of the KUHAP. The decision reflects the application of the presumption of innocence and the principle of *in dubio pro reo*, while simultaneously highlighting weaknesses in evidentiary quality in cases of sexual violence against children. This study emphasizes the need to strengthen investigations, scientific-based evidence, and inter-agency coordination to ensure effective child legal protection without undermining procedural justice for defendants.

**Keywords:** *Acquittal; Protection; Abuse; Evidence; Justice*

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## INTRODUCTION

Indonesia, as a state based on the rule of law, positions the criminal justice system as a primary instrument for upholding the supremacy of law while simultaneously ensuring the protection of human rights (Karyudi, & Firdausiah, 2024). The criminal justice system is not oriented solely toward punishing offenders; it also functions as a mechanism for seeking material truth grounded in the principles of justice, rationality, and legal certainty (Hafrida, & Usman, 2024). In every criminal proceeding, judges are required to assess legal facts objectively based on evidence deemed lawful under the applicable legislation. Therefore, criminal adjudication should ideally serve as a fair forum for resolving legal conflicts for all parties (Prasetyo & Herawati, 2022).

Within this framework, two principal interests must be proportionally accommodated in every criminal case: the victim's interest in obtaining justice and the defendant's interest in receiving legal protection. The balance between these two interests constitutes a fundamental prerequisite for the realization of a fair trial. An imbalance that privileges one interest over the other may generate structural injustice. If the victim's interest is neglected, the state may be viewed as failing to provide effective legal protection. Conversely, if the defendant's rights are ignored, the criminal justice process risks becoming a repressive instrument that violates human rights (Ariyanti, 2019).

This balance becomes even more crucial when criminal cases involve sexual abuse offenses against children. Children, as legal subjects, possess distinctive characteristics that differentiate them from adults in physical, psychological, and social

terms. Their vulnerability necessitates more comprehensive legal protection by the state. Sexual crimes against children not only cause physical suffering but also long-term psychological trauma that may affect a child's overall development. Accordingly, the state is obliged to ensure that the legal system is capable of providing maximum protection for children as victims.

On the other hand, allegations of child sexual abuse carry severe legal and social consequences for the accused. Social stigma, public pressure, and the threat of heavy punishment often attach from the investigation stage onward. In many cases, the accused suffers social harm even before a court decision obtains final and binding legal force. This situation underscores the importance of the presumption of innocence as a core pillar of the criminal justice system. Thus, the handling of child sexual abuse cases must be conducted with particular caution so that the protection of victims does not come at the expense of the accused's fundamental rights.

As part of its commitment to child protection, Indonesia has ratified the Convention on the Rights of the Child (CRC) through Presidential Decree No. 36 of 1990. This ratification affirms the state's obligation to guarantee children's rights to live, grow, and develop, and to be protected from all forms of violence and exploitation. Such international commitments have been implemented within the national legal system through the enactment of Law No. 23 of 2002 on Child Protection, which has subsequently undergone several amendments. A significant amendment was introduced by Law No. 17 of 2016, which increased the criminal penalties for perpetrators of sexual crimes against children (Failin, Yuserlina & Ibrahim, 2022).

The strengthening of criminal sanctions reflects a penal policy that is both repressive and preventive. The state seeks to create a deterrent effect for offenders and to prevent the recurrence of similar crimes. However, a repressive penal policy cannot stand alone without regard to the fundamental principles of a rule-of-law state. Within the criminal justice system, every person must continue to be treated fairly and humanely. Therefore, notwithstanding the severe penalties prescribed for child sexual abuse, the offender's guilt must still be proven lawfully and convincingly.

The Indonesian Criminal Procedure Code (KUHAP) explicitly regulates fundamental principles in criminal proceedings, such as the presumption of innocence, equality before the law, and the principle of a speedy, simple, and low-cost trial. In addition, the KUHAP sets out evidentiary mechanisms that must be complied with by law enforcement authorities. Judges may not impose punishment except on the basis of lawful evidence and a conviction formed rationally. Hence, victim protection must remain within the procedural framework that guarantees procedural justice (Hafid, Rusmana & Shaleh, 2025)..

The evidentiary system adopted in Indonesian criminal procedure is the negative statutory evidentiary system (*negatief wettelijk bewijsstelsel*). This system requires at least two lawful pieces of evidence as stipulated in Article 184 of the KUHAP, accompanied by the judge's conviction regarding the truth of the criminal event. Such evidence includes witness testimony, expert testimony, documents, indications (circumstantial evidence), and the defendant's statement. Judges are not bound solely by the number of evidentiary items but must also evaluate their quality and relevance. Consequently, the judge plays a central role in determining whether the elements of the charged offense have been fulfilled (Putrajaya, 2016).

In child sexual abuse cases, evidentiary challenges frequently arise. The lack of direct witnesses, reliance on the child-victim's testimony, and the complexity of medical proof through a *visum et repertum* are recurring obstacles. Child victims often experience trauma, causing their testimony to be inconsistent or subject to change. This condition demands judicial sensitivity in assessing the child's testimony without disregarding criminal evidentiary standards. Therefore, maintaining a balance between empathy toward victims and legal objectivity becomes a critical issue in such cases.

The relevance of these issues is reflected in Decision of the Parepare District Court No. 61/Pid.Sus/2024/PN.Pre. In this case, the defendant was charged under Article 82 paragraph (1) in conjunction with Article 76E of the Child Protection Law for committing sexual abuse against a child. The public prosecutor sought a prison sentence with a maximum statutory threat of fifteen years. However, after the trial proceedings, the panel of judges acquitted the defendant. The judges held that the elements of the charged offense were not proven lawfully and convincingly.

The acquittal generated widespread public reaction. Many questioned whether the decision adequately reflected legal protection for the child as a victim. Conversely, others viewed the acquittal as a logical consequence of the failure to meet the required evidentiary standard under criminal procedure. This divergence indicates tension between procedural justice and substantive justice. Society tends to assess such cases through moral expectations and victim protection, whereas criminal law demands strict and objective proof.

This situation places judges in a highly strategic yet vulnerable position. Judges are accountable not only to positive law but also face public pressure demanding punishment for perpetrators of child sexual abuse. In such circumstances, the quality of judicial reasoning becomes the primary indicator of the decision's legitimacy. A decision lacking strong legal argumentation risks undermining public trust in the judiciary. Therefore, an analysis of judicial reasoning is essential to assess whether the decision aligns with the principles of a rule-of-law state.

Beyond the judge's role, the case also opens space for evaluating law enforcement performance from the investigation stage through prosecution. Failure to present

strong evidence can directly contribute to an acquittal. The handling of child sexual abuse cases should be conducted professionally and supported by scientific approaches, including psychological examinations of victims and the strengthening of forensic evidence. Procedural weaknesses at the early stage may harm victims while also weakening the prosecutor's position at trial.

The juridical significance of the case was further reinforced after the Parepare District Court's decision was upheld by the Supreme Court of the Republic of Indonesia Decision No. 6280/K/Pid.Sus/2024. The Supreme Court rejected the public prosecutor's cassation petition, rendering the acquittal final and binding. Formally, the defendant was thereby declared not guilty. Nevertheless, a final judgment does not preclude academic inquiry into whether the judges' reasoning conforms to statutory provisions.

Academic assessment of court decisions constitutes an important part of legal development. Through decision analysis, one may identify trends in legal interpretation, the application of legal principles, and the quality of judicial reasoning. In the context of child sexual abuse cases, such analysis may also serve as an evaluation of the effectiveness of the child protection system. Accordingly, this research possesses not only theoretical value but also practical relevance for criminal law reform.

The juridical implications of an acquittal in child sexual abuse cases cannot be viewed simplistically. On one hand, an acquittal reflects respect for the presumption of innocence and strict evidentiary standards. On the other hand, it may be perceived as a failure of the state to protect children as victims of sexual crimes. Such perceptions may lead to public distrust of the criminal justice system. Therefore, a comprehensive analysis is needed to understand the legal and social impacts of acquittals in such cases.

Furthermore, acquittals may have implications for national penal policy. If many child sexual abuse cases end in acquittal due to weak evidence, the effectiveness of the Child Protection Law may be called into question. This condition demands improvements in law enforcement, including capacity-building for legal authorities and refinement of evidentiary mechanisms. Thus, child legal protection should not remain merely normative but must be realized concretely.

Based on the foregoing, this research focuses on a juridical analysis of the implications of an acquittal in child sexual abuse cases, particularly the Parepare District Court Decision No. 61/Pid.Sus/2024/PN.Pre as upheld by the Supreme Court. This study examines the legal reasoning of the judges and its impact on child legal protection. A normative juridical approach is employed to assess the conformity of the decision with the KUHAP and the Child Protection Law.

Through this study, it is expected that a deeper understanding will be obtained regarding the relationship between evidentiary principles in criminal procedure and

efforts to protect children as victims of sexual crimes. In addition, the study is expected to provide recommendations for improving the criminal justice system, particularly in the handling of child sexual abuse cases. In this way, procedural justice and substantive justice may operate in balance within Indonesia's rule-of-law framework.

## **METHOD**

This study employs a normative legal research method (doctrinal research), which focuses on the analysis of legal norms, principles, and rules, both written and unwritten, in order to formulate legal arguments, conclusions, and solutions to the issues under examination. The research specifically addresses a juridical analysis of the implications of acquittal decisions in cases of child sexual abuse, by examining the consistency of the application of legal norms and evidentiary principles within criminal procedural law. The legal materials are obtained through library research, consisting of primary legal materials in the form of statutory regulations and final court decisions, particularly Law No. 17 of 2016 (concerning Article 82 paragraph (1) in conjunction with Article 76E), Articles 183 and 184 of the Indonesian Criminal Procedure Code (KUHAP), and the Parepare District Court Decision No. 61/Pid.Sus/2024/PN.Pre (along with other relevant judicial decisions). In addition, secondary legal materials such as books, academic journals, theses, indictments and prosecutorial demands, as well as court documents including defense pleas, are utilized, along with tertiary legal materials such as legal dictionaries and other supporting sources.

The collection of legal materials is conducted through literature review and documentation techniques (library research), involving the compilation, inventory, and classification of primary, secondary, and tertiary legal materials according to their respective legal status to ensure a systematic analytical framework. Subsequently, the analysis of legal materials is carried out using a qualitative-normative approach through the following stages: (i) classification of legal materials based on the research issues; (ii) legal interpretation and construction of relevant norms, including the principles of minimum evidentiary standards and lawful evidence; (iii) assessment of the conformity of the application of legal norms within the judges' legal reasoning (*ratio decidendi*) with the provisions of the KUHAP and the Child Protection Law; and (iv) deductive reasoning to draw conclusions regarding the juridical implications of acquittal decisions on child legal protection, as well as recommendations for improving evidentiary practices and law enforcement. Through this analytical process, the study is expected to produce coherent arguments linking legal norms, judicial reasoning, and the need for effective child protection within the criminal justice system.

## RESULT AND DISCUSSION

### **Juridical Implications of an Acquittal Verdict on Child Protection in Sexual Abuse Cases: Case No. 61/Pid.Sus/2024/PN.Pre**

The acquittal rendered by the Panel of Judges of the Parepare District Court in Case Number 61/Pid.Sus/2024/PN.Pre constitutes a significant event in criminal judicial practice. The case concerned an alleged act of child sexual abuse under the Child Protection Law. The Public Prosecutor demanded the maximum sentence of fifteen years' imprisonment against the defendant. After examining all facts presented during the trial, the panel of judges declared the defendant not legally proven guilty. The decision reflects the application of evidentiary principles within criminal procedural law.

The judges' legal reasoning began with an analysis of the elements of Article 82 paragraph (1) in conjunction with Article 76E of Law Number 17 of 2016. These elements are formulated in an alternative manner, as indicated by the use of the conjunction "or." The fulfillment of one sub-element is in principle sufficient to establish the offense (Hasanah, 2024). The sub-elements include violence, threats of violence, coercion, deceit, a series of lies, and persuasion. The panel of judges concluded that none of these sub-elements were proven legally and convincingly.

The legal interpretation of the element of violence referred to the Child Protection Law and the jurisprudence of the Supreme Court. Violence was understood not only as physical acts but also as psychological violence. Mental pressure that deprives the victim of free will falls within the scope of violence. This approach demonstrates a broad interpretation of the criminal element. Such interpretation was applied to assess the conformity between trial facts and statutory provisions (Prasetyo, & Herawati, 2022).

Coercion was interpreted as an act of pressuring another person to follow the perpetrator's will. Deceit and a series of lies were understood as manipulative acts capable of misleading the victim. Persuasion was construed as psychological influence encouraging the victim to act in accordance with the offender's intention. Each of these elements must be concretely proven during trial proceedings. The judges found that the facts revealed did not support the fulfillment of these elements.

The understanding of indecent acts was derived from the opinions of criminal law scholars. Indecent acts encompass conduct violating decency within the context of sexual desire. This definition was employed to assess the alleged actions attributed to the defendant. The panel of judges determined that the alleged conduct was not legally established. This conclusion was based on the evaluation of evidence presented during the trial (Agustanti, 2020).

Trial facts revealed discrepancies between witness testimony and medical evidence. Most witnesses provided statements derived from information received from

other parties. Such testimony is known as *testimonium de auditu* in criminal procedural law. *Testimonium de auditu* holds weak evidentiary value. This condition undermined the prosecutorial case.

The *Visum Et Repertum* indicated redness in the external vaginal area and abrasions on the victim's anus. The medical examination also confirmed that the victim's hymen remained intact (Afandi, 2017). These findings were inconsistent with claims of vaginal penetration. Such inconsistency raised doubts regarding the occurrence of indecent acts. The judges considered this as a principal basis for their decision.

The time gap between the alleged incident and the appearance of physical injuries also drew judicial attention. The victim had previously played with toys in the genital area prior to the detection of pain. This fact suggested alternative causes for the injuries. The causal link between the defendant's actions and the injuries became uncertain. This uncertainty weakened the evidentiary foundation of the charges.

Testimony from several witnesses indicated that the defendant was in a different location at the time of the alleged incident. Witnesses stated that the defendant was at home and later at Lakessi Market. This alibi was reinforced by other witnesses who observed the defendant working. These facts contradicted allegations placing the defendant at the school. The panel of judges found the alibi consistent and credible.

The totality of legal facts led to the conclusion that the core elements of the offense were not fulfilled. None of the alternative elements were proven. The failure to prove the essential elements resulted in the collapse of the indictment. Criminal law requires the fulfillment of all constituent elements of an offense. The acquittal thus became a juridical consequence of such failure.

The theory of proving criminal elements places those elements as the foundation of criminal liability. Each criminal provision has a distinct structure of elements. Proof must cumulatively establish all required elements. The inability to prove one element prevents criminal conviction. This principle applies universally in criminal law.

The evidentiary system under the Indonesian Criminal Procedure Code adopts the negative legal proof system. Article 183 of the KUHAP requires at least two lawful pieces of evidence and the judge's conviction. Both requirements must coexist. The quantity of evidence alone is insufficient without substantive quality. Judges must assess relevance and coherence among evidence.

Although the number of evidentiary items presented by the prosecutor met the minimum threshold, their quality failed to substantively reinforce one another. Some evidence even contradicted other evidence. This lack of consistency eliminated judicial conviction. The acquittal logically resulted from such evidentiary shortcomings.

Witness statements based on hearsay were incapable of establishing a definite criminal event. Medical evidence likewise failed to corroborate the prosecution's narrative. This combination of weaknesses rendered the case structure fragile. The judges did not obtain certainty regarding the commission of the offense. The principle of *in dubio pro reo* therefore applied.

The acquittal reflects consistent application of the presumption of innocence. Every defendant must be regarded as innocent until proven otherwise. Doubts in evidence must be interpreted in favor of the defendant. Judges may not convict based on assumptions. The decision demonstrates adherence to this fundamental principle.

The juridical implications of this decision for child protection are complex. The Child Protection Law has imposed severe penalties on perpetrators. Severe sanctions alone do not guarantee convictions without strong proof. Child protection requires a professional and reliable evidentiary system. Normative frameworks must be supported by effective law enforcement practices (Lauritzen, Vis & Fossum, 2018).

The case highlights the importance of quality investigation and prosecution. Medical and psychological examinations must be accurate and comprehensive. Child victim interviews must account for trauma-related factors. Forensic evidence must be strengthened to support charges. Weaknesses at early stages significantly affect trial outcomes.

The acquittal also illustrates the limits of judicial authority in criminal cases. Judges remain bound by evidence and procedural law. Social pressure must not influence judicial decisions. Judicial independence is a fundamental principle of the rule of law. Verdicts must be grounded in law and trial facts.

The social impact of acquittals often generates perceptions of injustice. Society tends to evaluate cases from moral and empathetic viewpoints (Kaemirawati & Hidayah, 2025). The legal system demands objective proof. This divergence creates tension between procedural and substantive justice. Such tension is particularly evident in sexual offense cases.

Reforming the criminal justice system remains imperative in handling child sexual abuse cases. Continuous capacity building for law enforcement officers is essential (Wijaya & Wulan, 2025). Cross-sector coordination must be optimized. Scientific approaches to evidence must become standard practice. These efforts are crucial to strengthening child protection.

This decision teaches that criminal policy cannot rely solely on harsher penalties. Legal effectiveness depends on the quality of proof in court. Child protection must be realized through a comprehensive system. Substantive law and procedural law must operate in balance. Both components complement each other in law enforcement (Robinson, & Darley, 2019).

The juridical conclusion of this discussion indicates that the acquittal complied with the evidentiary system of the KUHP. The elements of the offense were not proven legally and convincingly. The evidence failed to establish judicial certainty. Criminal procedural principles were consistently applied. This decision serves as an important reflection for reforming the child protection system.

### CONCLUSION AND SUGGESTIONS

The acquittal verdict in Case No. 61/Pid.Sus/2024/PN.Pre essentially constitutes a juridical consequence of the failure to fulfill the elements of the offense and the absence of judicial conviction based on the evidentiary standard stipulated in Article 183 of the Criminal Procedure Code (KUHP). Accordingly, from a procedural perspective, the decision may be regarded as consistent with the presumption of innocence and the principle of *in dubio pro reo*. A relevant recommendation is the strengthening of the quality of investigation and prosecution in cases of sexual violence against children through child-friendly victim examinations, evidence-gathering techniques that avoid suggestion or coercion, and the reinforcement of science-based proof, including comprehensive medical examinations, standardized psychological assessments, and adequate forensic evidence. Enhanced coordination among the police, prosecutors, child protection services, medical professionals, and social workers should be institutionalized as a standard protocol to ensure that evidentiary chains are mutually reinforcing rather than contradictory in court proceedings. While courts must continue to uphold judicial independence, all law enforcement actors are required to balance child protection as victims with the guarantee of a fair trial for defendants through objective, transparent, and accountable evidentiary processes. The final recommendation emphasizes the improvement of human resource capacity, the development of technical guidelines for evidentiary practices in child-related cases, and the evaluation of sexual offense case-handling practices to ensure that procedural justice and substantive child protection are achieved simultaneously.

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