

The effectiveness of Qanun Jinayat in addressing sexual violence against children: A psychological perspective

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Article Information	Abstract:
Submitted: 2023-08-03 Revised: 2023-10-04 Published: 2023-12-07	Sexual violence against children is still a serious concern in Aceh despite the implementation of the Qanun Jinayat, while the effectiveness of law enforcement in ensuring victims' protection, psychological recovery, and developmental needs requires critical evaluation. This study considers the protective capacity of the Qanun Jinayat in dealing with sexual violence against children through integrating the psychological consequences experienced by victims with the legal construction of victim protection. It uses a qualitative descriptive-analytical approach, adopting library research and normative legal analysis. Data from the Qanun Jinayat and relevant legal and psychological literature were collected through document review, analyzed thematically and deductively, and reviewed through source triangulation and multidisciplinary perspectives. The findings show that sexual violence against children produces interrelated psychological, physical, sexual, and social consequences that may continue into adulthood, including trauma, loss of safety and trust, powerlessness, stigma, sexual difficulties, and secondary victimization. The Qanun Jinayat classifies sexual violence as <i>jarimah</i> and prescribes <i>uqubat</i> in the form of caning, fines, or imprisonment, with enhanced penalties for cases involving children and <i>mahram</i> relationships. However, these penal provisions do not adequately guarantee restitution, psychological rehabilitation, social support, educational stability, or long-term protection for victims. The study shows that penal effectiveness should be distinguished from the effectiveness of victim protection, which encompasses accountability, safety, recovery, and the prevention of repeated victimization. It recommends strengthening restitution mechanisms, psychological assistance, identity protection, continuing education, social support, and recurrent risk assessment to guarantee sustainable victim protection.

Keywords:

Qanun Jinayat; Sexual Violence Against Children; Psychological Protection; Child Victims.



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INTRODUCTION

Sexual violence against children has become an alarming social phenomenon because perpetrators may include not only individuals outside the family but also close relatives and even victims' biological parents. The close relationship between perpetrators and victims can create dependency, fear, and psychological pressure that inhibit the disclosure and reporting of sexual violence (Manolios et al., 2022; Solberg et al., 2021). Consequently, official statistics may not fully reflect the actual prevalence of such violence. The Indonesian Ministry of Women's Empowerment and Child Protection reported that sexual violence accounted for 45% of 14,571 cases of violence against children, while the overall number of cases increased during the COVID-19 pandemic (CNN, 2022). In Aceh, the Regional Technical Implementation Unit for Women and Child Protection (UPTD-PPA) recorded 697 cases of violence against women and children between January and September 2021 (Merdeka, 2021). However, many cases of sexual violence against children remain undisclosed or are reported only after considerable delay because victims fear negative consequences, disbelief, stigma, or adverse effects on themselves and their families (Devgun et al., 2021; Wallis & Woodworth, 2021). This phenomenon demonstrates the need for effective protection mechanisms, safe reporting procedures, and sensitive, integrated, and sustainable responses to sexual violence against children.

A review of previous studies indicates that research on sexual violence against children can be classified into three main strands. First, such violence is frequently perpetrated by individuals close to the victims who exploit trust, dependency, and power imbalances through grooming and threats (da Costa et al., 2022; Ferragut et al., 2021; Katz et al., 2021; Seto et al., 2015). Second, sexual violence has multidimensional effects on victims' psychological health, social relationships, development, and functioning, which may persist into adulthood (Cantón-Cortés & Cortés, 2015; Hailes et al., 2019; Nagtegaal & Boonmann, 2022; Zuhra, 2020). Third, sexual violence against children requires legal responses oriented toward protection, the fulfillment of victims' rights, and sustained psychological and legal recovery (Craig, 2020; Mansari & Melayu, 2018; Mantali, 2022; Suprpto et al., 2021). Although previous studies have examined perpetrator characteristics and power relations, the multidimensional consequences of sexual violence, and victim-centered legal responses, research specifically analyzing Aceh's Qanun Jinayat by integrating victims' psychological consequences with the legal construction of child-victim protection remains limited. The novelty of this study lies in integrating Islamic criminal law with the psychological recovery needs of victims to identify the gap between the punitive orientation of the law and its capacity to provide sustainable victim protection.

This study aims to analyze the effectiveness of the Qanun Jinayat in addressing sexual violence against children by integrating the psychological consequences experienced by victims with the legal construction of victim protection. It addresses three research questions: (1) What are the psychological and multidimensional consequences of sexual violence against children? (2) How does the Qanun Jinayat regulate sexual violence and the protection of child victims? and (3) How can the effectiveness of victim protection under the Qanun Jinayat be understood from a psychological perspective? Theoretically, this study contributes to the development of Islamic criminal law analysis by distinguishing penal effectiveness from victim-protection effectiveness and positioning psychological recovery as a dimension of legal evaluation. Practically, it provides a basis for strengthening restitution, psychological assessment and assistance, child-sensitive case management, and sustainable protection mechanisms that support victims' recovery, safety, educational continuity, and protection from revictimization.

This study is based on the argument that the effectiveness of responses to sexual violence against children cannot be assessed solely by the existence of criminalization, criminal liability, or enhanced penalties for perpetrators under the Qanun Jinayat. Effectiveness must also be evaluated according to the legal framework's capacity to address victims' psychological, social, and long-term needs. The literature indicates that sexual violence against children can cause psychological trauma, physical and sexual health problems, social stigma, loss of safety, and persistent secondary victimization. This argument is examined through a thematic analysis of the Qanun Jinayat, the Qanun on Jinayat Procedure, and relevant psychological and victimological literature by comparing legal provisions with victims' recovery needs. Accordingly, this study distinguishes penal effectiveness from victim protection effectiveness and emphasizes the importance of restitution, psychological rehabilitation, victim assistance, and sustained safety.

METHOD

Research Approach

This study employs a qualitative approach with a descriptive-analytical design, combining library research and doctrinal legal research (Mitchell, 2022). Library research was used to identify and synthesize literature on the psychological consequences of sexual violence against children, while doctrinal legal research was employed to analyze the legal norms governing sexual violence under the Qanun Jinayat. This approach treats legal norms as the primary object of inquiry by examining regulations, legal documents, and relevant literature (Taekema, 2021). The qualitative approach was used to interpret thematic patterns rather than statistically measure causal relationships or legal effectiveness. Psychological effectiveness was understood as the capacity of legal protection to safeguard the safety, recovery, well-being, and development of child victims.

Data Sources

The data comprised primary legal sources and secondary scholarly sources. The primary legal sources included Aceh Qanun No. 6 of 2014 concerning the Jinayat Law and Aceh Qanun No. 7 of 2013 concerning the Jinayat Procedural Law, particularly provisions relating to sexual harassment, rape, child victims, *uqubat*, restitution, and victim protection. Secondary sources included books, journal articles, institutional reports, and previous studies on sexual violence against children, psychological consequences, child protection, secondary victimization, restitution, rehabilitation, and interventions for perpetrators. Psychological literature was used to understand trauma, safety, recovery, child development, and long-term consequences, while legal literature was employed to interpret the normative construction of victim protection.

Data Collection

Data were collected through a documentary study involving the identification, selection, examination, and recording of relevant legal documents and scholarly literature. Documents were selected according to their relevance to three analytical areas: the consequences of sexual violence against children, the legal construction of sexual violence under the Qanun Jinayat, and the capacity for victim protection from a psychological perspective. The documents were examined in depth to identify information concerning trauma, physical and sexual consequences, stigma, secondary victimization, victim recovery, the classification of *Jarimah*, enhanced *uqubat* for perpetrators in cases involving child victims, restitution, rehabilitation, child protection, and the prevention of repeated violence.

Relevant information was subsequently extracted and categorized into research areas as units of data for thematic analysis.

Data Analysis

The data were analyzed thematically by adapting Braun and Clarke's (2006) six stages: data familiarisation, initial coding, theme identification, theme review, theme definition and naming, and the production of an analytical report. The documents were read repeatedly and coded according to issues such as trauma, loss of safety, physical and sexual consequences, stigma, secondary victimization, restitution, psychological recovery, child protection, *uqubat*, and the prevention of repeated violence. The codes were then organized into themes and subthemes across three domains: the psychological consequences of sexual violence, the regulation of sexual violence under the Qanun Jinayat, and the protective capacity of the Qanun Jinayat from a psychological perspective. Legal interpretation was conducted deductively by moving from general norms to specific provisions and relating them to victims' protection needs.

Trustworthiness and Analytical Rigor

Trustworthiness and analytical rigor were maintained through source triangulation and the integration of legal and psychological perspectives. Source triangulation involved comparing the Qanun Jinayat and related regulations with books, journal articles, institutional reports, and previous studies on sexual violence against children to strengthen the credibility of the interpretations (Carter et al., 2014). Legal and psychological perspectives were integrated to evaluate victim protection, including the consequences of sexual violence, recovery, restitution, child protection, and the prevention of repeated victimization (Pitre & Kushner, 2015). This study did not empirically measure the effectiveness of the Qanun Jinayat at either the individual or institutional level. The term "effectiveness from a psychological perspective" was used analytically to assess the law's protective capacity in addressing victims' psychological needs, safety, recovery, well-being, and development. Therefore, findings concerning limitations in effectiveness should not be interpreted as evidence of causal relationships.

RESULTS AND DISCUSSION

Results

Psychological consequences of sexual violence among child victims

Sexual violence against children is a traumatic experience that can produce psychological, physical, sexual, and social consequences extending beyond the abusive event itself. The thematic analysis identified four principal patterns: (1) trauma and psychological disorders, (2) physical consequences and disruptions to sexuality, (3) social stigma and secondary victimization, and (4) the need for psychological recovery and sustained protection. These four themes demonstrate that the effects of sexual violence are multidimensional and interconnected. Psychological trauma may be exacerbated by physical and sexual consequences, as well as by adverse social and institutional responses. The potential persistence of these effects into adulthood indicates that victim protection must encompass psychological recovery, social support, and long-term safety.

Table 1

Thematic Findings on the Psychological Consequences of Sexual Violence among Child Victims

No.	Theme	Subtheme	Synthesis of Findings	Implications	References
1	Psychological Trauma and	Trauma, loss of trust,	Sexual violence can disrupt victims' sense of	Victims require sustained	Noviana (2015); Gueta (2022)

	Disrupted Sense of Safety	helplessness, psychological distress, internalized stigma, and low self-confidence	safety and trust and produce psychological consequences that may persist into adulthood, affecting psychological development and interpersonal relationships.	psychological support focused on trauma recovery, restoration of safety, and rebuilding self-confidence.	
2	Physical Consequences and Sexual Disruption	Injuries and bleeding, bodily damage, sexual trauma, and disruption of sexual life	Sexual violence may result in physical injuries while also affecting victims' sexual development and experiences. These consequences may extend into adulthood and affect sexual relationships and marital life.	Intervention should integrate physical healthcare with psychological support and sustained assistance addressing the consequences of sexual trauma.	Gueta (2022)
3	Social Stigma and Secondary Victimization	Shame, fear of reporting, stigma, victim blaming, and negative social or institutional responses	Victims' suffering may be intensified by stigmatizing and blaming responses. Unsupportive reporting and handling processes may discourage disclosure and expose victims to secondary victimization.	Protection systems should provide safe, stigma-free, victim-centered environments and minimize secondary victimization throughout reporting and legal processes.	Gueta (2022); National Commission on Violence Against Women (2022)
4	Long-Term Recovery and Continuing Protection	Psychological recovery, social support, restoration of safety, self-confidence, and adaptive functioning	The multidimensional and potentially long-term consequences of sexual violence indicate that victims' needs extend beyond initial case handling to psychological, social, and physical recovery and adaptive functioning.	Protection should adopt a sustained recovery-oriented approach that integrates psychological well-being, safety, social support, and victims' long-term functioning.	Noviana (2015); Gueta (2022)

Source: Processed by the researcher (2023).

The thematic analysis indicates that the consequences of sexual violence against children cannot be understood solely through a single form of psychological disorder. The findings demonstrate interconnections among psychological trauma, physical and sexual consequences, social pressures, and the need for long-term recovery. Victims' experiences are therefore multidimensional, and their consequences may persist across subsequent stages of life (Noviana, 2015; Gueta, 2022).

The first theme, *Psychological Trauma and a Disrupted Sense of Safety*, most directly captures the psychological consequences of sexual violence. The findings reveal trauma, loss of trust, feelings of powerlessness, internalized stigma, psychological disorders, and low self-confidence. These patterns reflect a disruption of victims' sense of safety and trust in their social environment. Psychological consequences are not necessarily temporary; experiences of childhood sexual violence may continue to affect psychological development and interpersonal relationships at later stages of life, including adulthood (Noviana, 2015; Gueta, 2022). Childhood sexual trauma should therefore be understood as an experience with

potentially long-term developmental consequences rather than merely a temporary psychological response.

The second theme, *Physical Consequences and Sexual Disruption*, demonstrates that sexual violence can cause both physical harm and disruptions to victims' sexual experiences and development. Injuries, bleeding, and damage to bodily organs may accompany sexual violence, while sexual trauma can affect victims' sexual lives at subsequent stages of development. These consequences may persist into adulthood and affect victims' sexual relationships and marital lives (Gueta, 2022). The findings indicate that the physical, psychological, and sexual consequences should be understood as interconnected dimensions of victims' experiences. Responses should therefore integrate physical healthcare with psychological support and appropriate assistance in addressing the sexual consequences of abuse.

The third theme, *Social Stigma and Secondary Victimization*, demonstrates that victims' suffering may be intensified by social and institutional responses following the violence. Shame, fear of reporting, stigma, and victim-blaming can inhibit disclosure. Even after victims report their experiences, adverse responses from their social environment or insensitive case-handling procedures may result in secondary victimization. Victims' psychological experiences are therefore shaped not only by perpetrators' actions but also by the social and institutional environments in which they disclose and process their experiences of violence (Gueta, 2022; National Commission on Violence Against Women, 2022). Victim-protection measures must consequently minimize stigma and ensure that reporting and case-handling procedures do not exacerbate victims' suffering.

The fourth theme, *Long-Term Recovery and Continuing Protection*, indicates that victims' needs do not end with an initial response or the resolution of legal proceedings. The multidimensional and potentially long-term nature of the consequences necessitates psychological recovery, social support, the restoration of safety, the rebuilding of self-confidence, and the development of adaptive capacities following abuse. Recovery should therefore be understood as a continuous process encompassing psychological, social, and physical dimensions (Noviana, 2015; Gueta, 2022). Child protection involves not only ending the violence and holding perpetrators accountable but also supporting victims' long-term recovery and functioning.

Collectively, the four themes form an interconnected pattern: sexual violence causes psychological trauma; physical and sexual consequences extend the traumatic experience; stigma and secondary victimization may aggravate victims' conditions; and the persistent nature of these consequences creates a need for long-term recovery and protection. These findings demonstrate that the consequences of sexual violence against children must be understood through a multidimensional, trauma-informed, and recovery-oriented perspective. Such a perspective positions victims' psychological well-being, social support, safety, and long-term functioning as integral components of protection rather than merely supplementary considerations following legal proceedings.

Sexual violence under the Qanun Jinayat

Aceh holds a special status in implementing Islamic law through *qanun*. Aceh Qanun No. 6 of 2014 concerning Jinayat Law provides the legal basis for enforcing Islamic criminal law and regulates ten forms of *jarimah*: *khamar*, *maisir*, *khalwat*, *ikhtilath*, *zina*, sexual harassment, rape, *qadzaf*, *liwath*, and *musahaqah*. Two of these offenses—sexual harassment and rape are directly related to sexual violence (Governor of Aceh, 2014). Following Braun and Clarke's thematic analysis procedures, the legal provisions were

systematically examined, coded, categorized, and interpreted. The analysis generated four themes: the legal recognition of sexual violence, differentiated protection for child victims, gradations of penalties for perpetrators, and limitations in victim-centered justice. Collectively, these themes demonstrate that the Qanun Jinayat recognizes sexual violence as *jarimah* and imposes more severe penalties when the victim is a child. Nevertheless, its provisions remain more strongly oriented toward punishment than toward recovery, restitution, and sustained protection for victims. The findings are presented in Table 2.

Table 2

Thematic Findings on the Regulation of Sexual Violence under Qanun Jinayat

No.	Theme	Subtheme	Findings	Analytical Implications	Data Sources
1	Legal Recognition of Sexual Violence	Sexual harassment and rape as <i>jarimah</i>	Qanun Jinayat explicitly classifies sexual harassment and rape as <i>jarimah</i> subject to <i>uqubat</i> .	Sexual violence is formally constructed as a criminal offense that warrants state intervention and criminal sanctions.	Qanun Aceh No. 6 of 2014, arts. 3 and 46–50
2	Differentiated Legal Protection for Child Victims	Enhanced sanctions for offenses against children	Sexual harassment against children is punishable by up to 90 lashes, a fine of up to 900 grams of pure gold, or imprisonment of up to 90 months. Rape against children is punishable by 150–200 lashes, a fine of 1,500–2,000 grams of pure gold, or imprisonment of 150–200 months.	The differentiated sanctions recognize childhood as a legally significant condition of vulnerability and provide enhanced penal protection, although they do not necessarily guarantee comprehensive victim recovery.	Qanun Aceh No. 6 of 2014, arts. 47 and 50; Nurhayati (2018); Rachmad et al. (2021)
3	Graduated Penalization of Sexual Violence	Lashes, fines, and imprisonment according to the characteristics of the offense	<i>Uqubat ta'zir</i> varies according to the type of offense, the victim's age, and the relationship between the perpetrator and the victim. Heavier sanctions apply to rape involving child victims and <i>mahram</i> relationships.	The differentiation of sanctions establishes a hierarchy of criminal seriousness based on the nature and circumstances of the offense.	Qanun Aceh No. 6 of 2014, arts. 46–50; Fakhurrazzi (2020); Rizkal and Mansari (2019)
4	Limitations of Victim-Centered Justice	Restitution, recovery, and continuing protection	The findings indicate the limited realization of restitution and continuing concerns about victims' safety and psychological well-being when perpetrators return to the community.	A gap remains between punitive justice and victim-centered justice, particularly regarding compensation, psychological recovery, social protection, and long-term safety.	Febriandi et al. (2021)

Source: Processed by the researcher (2023).

The first theme, the legal recognition of sexual violence, demonstrates that the Qanun Jinayat provides a clear normative basis for addressing sexual harassment and rape. Sexual harassment is defined as an intentionally indecent or obscene act committed against another person, whereas rape involves sexual intercourse committed through violence, coercion, or threats. Classifying these acts as *jarimah* positions sexual violence as a criminal offense requiring state intervention through judicial proceedings and the imposition of *uqubat*, rather than merely as a moral issue or an infringement within interpersonal relationships. Nevertheless, this recognition remains centered on defining the prohibited conduct and punishing perpetrators and therefore does not automatically guarantee substantive protection for victims. Such protection should extend beyond legal recognition to encompass safety, restitution, psychological recovery, social rehabilitation, and the prevention of revictimization.

The second theme, differentiated legal protection for child victims, indicates that the victim's age is a significant factor in determining the seriousness of sexual violence. Article 47 of the Qanun Jinayat stipulates that sexual harassment against a child is punishable by up to 90 lashes, a fine of up to 900 grams of pure gold, or imprisonment for up to 90 months. Article 50 stipulates that the rape of a child is punishable by 150–200 lashes, a fine equivalent to 1,500–2,000 grams of pure gold, or imprisonment for 150–200 months. These provisions construct children as a particularly vulnerable category of victims and provide penal protection through enhanced sanctions (Nurhayati, 2018; Rachmad et al., 2021). However, the severity of punishment cannot be equated directly with comprehensive protection, as the fulfillment of children's rights also encompasses physical and psychological recovery, safety, restitution, legal assistance, and continued protection after judicial proceedings conclude.

The third theme, gradations of punishment for sexual violence, demonstrates that the Qanun Jinayat does not prescribe uniform penalties for all forms and circumstances of sexual violence. *Uqubat ta'zir*, comprising caning, fines denominated in pure gold, and imprisonment, varies according to the type of *jarimah*, the victim's age, and the relationship between the perpetrator and the victim. For example, the rape of a child and rape within a *mahram* relationship are subject to more severe sanctions than rape committed under general circumstances. These distinctions establish a hierarchy of offense severity based on the nature of the conduct, the victim's position, and the relational context (Fakhrurrazi, 2020; Rizkal & Mansari, 2019). Although important for establishing criminal accountability, these gradations remain predominantly focused on the offense and the perpetrator and do not guarantee victims' access to restitution, recovery services, social protection, or long-term safety.

The fourth theme, the limitations of victim-centered justice, demonstrates that severe sanctions against perpetrators do not, by themselves, fulfill all the rights of victims of sexual violence. In addition to legal recognition and the punishment of perpetrators, victims require restitution, psychological recovery, physical and social protection, and guarantees of safety after criminal proceedings have concluded. In cases examined by previous research, child victims did not receive restitution effectively (Febriandi et al., 2021), revealing a gap between punishing perpetrators and meeting victims' needs. This vulnerability may persist after perpetrators have completed their *uqubat ta'zir* and returned to the community, particularly when social or geographical proximity enables renewed contact with victims. The successful resolution of a case should therefore be assessed not only by the enforcement of punishment but also by the fulfillment of victims' rights to restitution, recovery, protection, and long-term safety.

Collectively, the four themes reveal two interconnected dimensions in the Qanun Jinayat's legal construction of sexual violence. The punitive dimension is relatively strong, as reflected in the recognition of sexual harassment and rape as *jarimah*, enhanced sanctions in cases involving child victims, and gradations of *uqubat* according to the characteristics of the offense. Conversely, the victim-centered justice dimension remains limited, particularly regarding restitution, psychological and social recovery, and continued protection after perpetrators have completed their sentences. These findings confirm that the severity of sanctions is not the sole indicator of effective victim protection because punishment does not automatically address the physical, psychological, social, and economic consequences of sexual violence. A comprehensive response, therefore, requires integrating criminal accountability with the fulfillment of victims' rights, ensuring that law enforcement supports their sustained recovery and safety throughout judicial proceedings and in the community after judgment.

The effectiveness of the Qanun Jinayat from a psychological perspective

The Qanun Jinayat is one of the principal legal instruments underpinning the enforcement of Islamic criminal law in Aceh, including responses to sexual violence. However, the existence of criminal provisions and the imposition of sanctions do not, in themselves, demonstrate that victim protection has been implemented effectively. From a psychological perspective, an effective response to sexual violence encompasses the capacity of legal and institutional systems to prevent violence, address victims' recovery needs, safeguard children's psychological well-being and development, and ensure victims' long-term safety.

In this study, psychological effectiveness refers to the capacity of the legal framework and its enforcement mechanisms to provide meaningful protection for victims' safety, recovery, and psychological well-being, particularly those of children. Effectiveness is assessed not merely according to the existence or severity of sanctions but as a multidimensional construct informed by legal documents and empirical findings from previous studies. This analysis does not directly measure the psychological effects of the Qanun Jinayat; rather, it evaluates its protective capacity from a psychological perspective. The thematic analysis generated four interconnected themes: (1) limitations in preventive effectiveness; (2) insufficient attention to victims' psychological recovery; (3) limitations in protecting children's psychological well-being and development; and (4) the limited preventive capacity of punitive sanctions.

Table 3

Effectiveness of Qanun Jinayat from a Psychological Perspective

No.	Theme	Subtheme	Findings from the Analyzed Evidence	Psychological Interpretation	Data Sources and Supporting Literature
1	Limitations of Preventive Effectiveness	Persistence of sexual violence	Despite the criminal prohibitions and sanctions established under Qanun Jinayat, sexual violence, including cases involving children, continues to occur and be reported. The existence of criminal provisions alone	From a psychological perspective, prevention requires mechanisms that reduce vulnerability, facilitate safe reporting, provide timely protection, and strengthen victims' sense of	Krisna et al. (2021); Rachmad et al. (2021)

			therefore cannot be treated as sufficient evidence of preventive effectiveness.	security.	
2	Weak Orientation toward Victim Psychological Recovery	Restitution, rehabilitation, and psychological assistance	The legal framework remains fragmented in addressing victims' recovery. Restitution has not been adequately realized for child victims, while the existing provisions provide limited mechanisms for comprehensive psychological recovery.	Punishment does not automatically address the psychological and social consequences of sexual violence. Effective protection requires integrated mechanisms for restitution, rehabilitation, psychological assistance, and continuing protection.	Aceh Qanun No. 7 of 2013; Febriandi et al. (2021)
3	Limitations in Children's Psychological and Developmental Protection	Health, education, safety, and protection from stigma	Existing legal mechanisms remain more focused on prosecuting and punishing perpetrators than on ensuring comprehensive protection, psychosocial recovery, and developmental continuity for child victims.	Child protection should encompass psychological well-being, health, education, safety, social support, restitution, and protection from stigma, rather than being measured solely through criminal sanctions.	Ritonga et al. (2021); Wahyuni (2022)
4	Limited Preventive Capacity of Punitive Sanctions	Deterrence and recurrence prevention	The imposition of <i>uqubat ta'zir</i> , including corporal punishment where applicable, does not by itself demonstrate that perpetrators will not repeat sexual violence. Preventing recurrence requires mechanisms extending beyond punishment.	Punitive severity and recurrence prevention are not necessarily equivalent. Long-term prevention requires broader risk-reduction, supervision, behavioral intervention, rehabilitation, and institutional monitoring mechanisms.	Barros et al. (2022); Harrison et al. (2020); Tyler et al. (2021)

Source: Processed by the researcher (2023).

The first theme concerns limitations in the preventive effectiveness of the Qanun Jinayat. The continued occurrence and reporting of sexual violence, including cases involving child victims, indicate that the existence of criminal prohibitions and sanctions cannot be treated as sufficient evidence of effective prevention. This finding does not imply that the Qanun Jinayat has no preventive function; rather, it demonstrates that preventive effectiveness cannot be assessed solely by the existence or severity of sanctions. From a psychological perspective, prevention also requires legal and institutional mechanisms capable of reducing children's vulnerability, providing safe reporting channels, delivering

timely protection, and strengthening victims' sense of safety. The preventive capacity of the Qanun Jinayat should therefore be understood in relation to the broader protective environment in which its legal norms are implemented (Krisna et al., 2021; Rachmad et al., 2021).

The second theme reveals a gap between criminal accountability and the fulfillment of victims' psychological recovery needs. The imposition of *uqubat* is an important component of criminal accountability, but punishment does not automatically address the psychological and social consequences experienced by victims, particularly children. In cases examined by previous studies, child victims did not receive adequate restitution, while the compensation provisions under Aceh Qanun No. 7 of 2013 concerning Jinayat Procedural Law remain primarily oriented toward material losses. The available rehabilitation provisions also do not explicitly establish a comprehensive mechanism for psychological recovery (Febriandi et al., 2021). These findings demonstrate that legal effectiveness must extend beyond prosecuting and punishing perpetrators to encompass restitution, rehabilitation, psychological assistance, and continuing protection. A legal response may establish criminal accountability while remaining limited in its ability to address victims' recovery needs.

The third theme concerns limitations in meeting the psychological and developmental needs of child victims. Child protection cannot be confined to punishing perpetrators but must also encompass access to healthcare, education, assistance, safety, restitution, social support, and protection from stigma. These elements are essential to children's psychological recovery and continued development following sexual violence. However, existing legal mechanisms remain more focused on prosecuting and punishing perpetrators than on providing comprehensive protection and psychosocial recovery for child victims (Ritonga et al., 2021; Wahyuni, 2022). From a psychological perspective, the effectiveness of legal protection should therefore be evaluated not only according to whether criminal accountability is achieved but also according to the protection system's capacity to safeguard children's psychological well-being, safety, social support, education, and continued development following sexual violence.

The fourth theme examines the relationship between punitive sanctions and the prevention of repeated sexual violence. The Qanun Jinayat provides *uqubat ta'zir* as a form of criminal response, including corporal punishment under certain circumstances. However, the existence or severity of punishment does not, by itself, demonstrate that perpetrators will not reoffend. This finding distinguishes the severity of punishment from the prevention of reoffending: severe sanctions may convey the seriousness of an offense and reinforce perpetrators' accountability, but their preventive capacity cannot be inferred solely from their severity. The literature on perpetrator interventions indicates that preventing reoffending also requires risk assessment, supervision, behavioral interventions, rehabilitation, risk-factor reduction, and continuous institutional monitoring (Barros et al., 2022; Harrison et al., 2020; Tyler et al., 2021). This finding does not suggest that punitive sanctions have no deterrent effect; rather, it indicates that the severity of punishment alone is insufficient to ensure the long-term prevention of sexual violence.

Collectively, the four themes demonstrate that the Qanun Jinayat's effectiveness, from a psychological perspective, is multidimensional. The Qanun possesses penal and institutional capacities to define prohibited conduct, establish criminal accountability, prosecute perpetrators, and impose sanctions. Nevertheless, limitations remain in relation to prevention, victim recovery, the protection of children's psychological well-being and development, and the prevention of repeated violence. Punishment-oriented penal effectiveness is not necessarily equivalent to psychological effectiveness, which emphasizes

reducing vulnerability, providing restitution, rehabilitation, and psychological assistance, and promoting recovery, well-being, development, and long-term safety. These findings do not negate the protective function of the Qanun Jinayat but indicate that its protection is institutionalized more strongly through penal accountability than through comprehensive victim-centered mechanisms. This assessment does not establish causal relationships with the psychological conditions of victims or perpetrators. Rather, effective protection is determined by interactions among substantive law, law enforcement, institutional capacity, victim support, perpetrator interventions, and the broader social environment.

Discussion

The findings demonstrate that sexual violence against children produces interrelated psychological, physical, sexual, and social consequences that may persist into adulthood. These consequences include trauma, loss of safety and trust, powerlessness, stigma, disruptions to sexuality, and secondary victimization. Within Aceh's legal framework, the Qanun Jinayat recognizes sexual harassment and rape as *jarimah* and prescribes *uqubat* in the form of caning, fines, or imprisonment, with enhanced sanctions in cases involving child victims and *mahram* relationships. From a psychological perspective, however, the effectiveness of the Qanun must be understood more broadly because its emphasis on perpetrator accountability and punishment does not, by itself, guarantee restitution, psychological rehabilitation, social support, or victims' long-term protection. Accordingly, the severity of *uqubat* does not automatically ensure psychological recovery, children's continued development, or the prevention of repeated sexual violence.

The findings further indicate that the effects of sexual violence against children extend beyond the abusive event itself and encompass psychological, physical, sexual, and social dimensions. In the Indonesian context, these consequences may be exacerbated by stigma, victim-blaming, fear of reporting, and legal and institutional responses that are not yet fully sensitive to victims' needs (Komnas Perempuan, 2022; Wahyuni et al., 2022; IJRS & INFID, 2022). Unsupportive or victim-blaming social responses may also intensify psychological suffering and hinder disclosure and recovery (Bhuptani et al., 2019; Scoglio et al., 2022). Victims, therefore, require psychological recovery, social support, a sense of safety, strengthened autonomy, and the continuity of their social functioning and development (Ullman, 1999). In Aceh, the Qanun Jinayat regulates sexual harassment and rape as *jarimah* and imposes enhanced sanctions when the victim is a child. Nevertheless, criminal accountability must be distinguished from victim recovery because effective protection also depends on safety, the prevention of secondary victimization, and access to sustained recovery services.

Theoretically, these findings underscore the need to distinguish penal effectiveness from victim-protection effectiveness, as successful prosecution and punishment do not automatically guarantee the fulfillment of victims' rights, safety, and interests (Carroll, 2022). The penal effectiveness of the Qanun Jinayat is reflected in its classification of sexual harassment and rape as *jarimah*, its prescription of *uqubat*, and its enhancement of sanctions according to the characteristics of the offense and the victim. By contrast, victim protection encompasses the restoration of safety, trust, agency, psychological well-being, and children's development (De Roos & Jones, 2022; Gewirtz-Meydan, 2022). The dimensions of betrayal, traumatic sexualisation, powerlessness, and stigmatization demonstrate that the consequences of sexual violence may persist in victims' psychological and relational lives (Noviana, 2015). The severity of *uqubat* is therefore not the sole indicator of effectiveness; protection also requires restitution, rehabilitation, psychological

assistance, the prevention of secondary victimization, and support for children's development.

This study demonstrates that justice for child victims of sexual violence cannot be assessed solely according to the successful prosecution and punishment of perpetrators. The identified psychological consequences indicate that victims may experience trauma, disruptions to their sense of safety and trust, physical and sexual consequences, stigma, and long-term psychosocial effects requiring sustained recovery support (Hailes et al., 2019; Rumble et al., 2020). Victims' justice needs are therefore multidimensional and extend beyond the resolution of legal proceedings. An approach centered on perpetrator accountability must be complemented by a victim-centered approach that considers safety, psychological recovery, social support, and the continuity of children's functioning and development (Elmqvist et al., 2015; McGlynn & Westmarland, 2019). Within this framework, the law serves not only to establish culpability and impose sanctions but also as part of a protection system that supports victims during and after legal proceedings. Justice for child victims of sexual violence thus encompasses accountability, protection, recovery, and prevention rather than merely the severity of punishment imposed on perpetrators.

The findings are consistent with Noviana (2015) and Gueta (2022), who found that sexual violence against children produces psychological, emotional, sexual, and social consequences extending beyond the abusive event. The findings concerning stigma and secondary victimization also reinforce evidence that social and institutional responses following disclosure can shape victims' experiences and intensify psychological harm (Morris & Quevillon, 2021; Roskin-Fraze, 2022; O'Callaghan & Ullman, 2022). In the context of the Qanun Jinayat, the identified limitations of restitution are consistent with Febriandi et al. (2021), while Ritonga et al. (2021) emphasized the legal protection of victims, and Rachmad et al. (2021) examined enhanced sanctions based on the characteristics of offenses and victims' circumstances. Unlike previous studies, the present research integrates the psychological consequences of sexual violence with the legal construction and effectiveness of the Qanun Jinayat, thereby revealing a gap between penal capacity and victims' recovery needs. Legal effectiveness should therefore be evaluated in terms of protection, recovery, development, safety, and accountability for perpetrators.

The practical implications of this study highlight the need to expand the implementation of the Qanun Jinayat from a focus on perpetrator accountability toward an integrated approach to victim protection. Restitution mechanisms should be clarified and implemented throughout judicial proceedings. Case management should incorporate psychological assessment and child-sensitive assistance, while law enforcement and judicial institutions should prevent secondary victimization. Protection mechanisms should ensure educational continuity, safety, confidentiality of identity, social support, and access to recovery services. Prevention of repeated offending should be strengthened through risk assessment and perpetrator interventions. Future evaluations should move beyond case numbers and *uqubat* severity by considering safety, psychological recovery, restitution, child development, and prevention of repeated violence. Accordingly, Qanun Jinayat effectiveness encompasses both penal effectiveness in establishing perpetrator accountability and victim-protection effectiveness in ensuring victims' safety, recovery, rights fulfillment, and continuity of life.

CONCLUSION

This study concludes that sexual violence against children produces interrelated psychological, physical, sexual, and social consequences that may persist into adulthood,

including trauma, loss of safety and trust, powerlessness, stigma, disruptions to sexuality, and secondary victimization. The Qanun Jinayat provides a basis for criminal accountability by classifying sexual harassment and rape as *jarimah*, prescribing *uqubat* in the form of caning, fines, or imprisonment, and imposing enhanced sanctions under specific circumstances, including when the victim is a child. However, this penal capacity does not, by itself, guarantee the fulfillment of victims' needs for restitution, psychological rehabilitation, safety, social support, educational continuity, and long-term protection. The effectiveness of the Qanun Jinayat must therefore be understood more broadly than the severity of sanctions or the resolution of legal proceedings, encompassing the integration of perpetrator accountability, victim protection, recovery, and the prevention of repeated violence.

Theoretically, this study contributes to the evaluation of criminal law responses to sexual violence against children by distinguishing penal effectiveness from victim-protection effectiveness. This distinction broadens the concept of legal effectiveness from a predominantly punitive orientation to a framework encompassing accountability, protection, recovery, and prevention. The framework also connects the psychological consequences of sexual violence against children with a normative evaluation of the Qanun Jinayat, thereby positioning victim protection and recovery as substantive components of justice rather than supplementary outcomes following criminal proceedings. In practice, the findings highlight the need to strengthen restitution mechanisms, psychological assessment and assistance, identity protection, educational continuity, social support, and risk assessments for repeated violence. These measures require cross-sectoral coordination among law enforcement authorities, judicial institutions, healthcare services, families, and educational institutions.

This study is limited by its reliance on documentary and literature analysis and therefore does not empirically examine the gap between the normative construction of the Qanun Jinayat and its implementation in judicial practice or victim recovery. It also does not assess the implementation of restitution, the quality of psychological assistance, victims' experiences in accessing justice, secondary victimization, or long-term recovery outcomes. Future research should employ empirical and child-sensitive approaches, including analysis of judicial decisions, interviews with victims and support providers, and longitudinal case follow-up. Comparative studies between Aceh and other jurisdictions, including Indonesia's national criminal justice system, are also required to examine how to balance perpetrator accountability with victim protection. Future research could further develop and test indicators of victim-protection effectiveness encompassing safety, recovery, the fulfillment of rights, children's continued development, and the prevention of repeated violence.

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AUTHOR CONTRIBUTION STATEMENT

Zuriah: Conceptualization; Data Curation; Formal Analysis; Methodology; Writing Original Draft; Visualization; Writing Original Draft. **Teuku Amnar Saputra:** Conceptualization; Data Curation; Formal Analysis; Validation; Visualization; Writing Original

Draft. **Muhammad Novriansyah:** Conceptualization; Formal Analysis; Validation; Visualization; Writing Original Draft.

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