

**Legal Protection for Children as Victims of Incest Committed by  
Biological Fathers from a Victimology Perspective  
(Study at the Criminal Investigation Unit of the Banyumas Regency  
Woman and Children)**

**Rengganis Rahma Esa Wahyuningrum<sup>1</sup>, Rani Hendriana<sup>2\*</sup>, Angkasa<sup>3</sup>**

<sup>1,2,3</sup>Faculty of Law, Universitas Jenderal Soedirman, Indonesia

<sup>1</sup>rengganisrahma@gmail.com, <sup>2</sup>rani.hendriana@unsoed.ac.id, <sup>3</sup>angkasa@unsoed.ac.id

**Abstract**

Incest is a sexual relationship that occurs between family members, and in this case the child becomes a victim of incest. Therefore, legal protection is needed to fulfill the rights of children who are victims of incest. This research aims to determine the legal protection provided by the Criminal Investigation Unit of the Banyumas Regency Women and Children Protection Unit. This research is empirical juridical research with a qualitative approach method and the research specifications are analytical descriptive. The data used in this writing are primary data and secondary data. The data is then processed using reduction methods, data display and data categorization and then presented in the form of narrative text, charts and graphs. The results of this research show the provision of legal protection in the form of applying for restitution, providing shelter or safe houses, medical and psychological rehabilitation for children who are victims of incest. Furthermore, the inhibiting factors of the legal structure are the lack of human resources, such as the unavailability of psychiatrists and/or forensic psychologists to handle and resolve victims' trauma due to the events that occurred, as well as the lack of budget for post-mortems. Finally, regarding facilities and infrastructure, the Criminal Investigation Unit of the Banyumas Regency Women and Children Protection Unit does not provide shelter or safe houses for victims. Furthermore, from the legal substance, namely the absence of specific regulations governing incest, while from the legal culture factor there is a negative stigma from society which views victims as disdainful, and considers incest a disgrace so that victims feel afraid and embarrassed to report it to the authorities, including The existence of patriarchal culture and superior attitudes from men makes women powerless and unable to resist.

**Keywords:** child; incest; legal protection; victimology.

**Abstrak**

*Inses merupakan hubungan seksual yang terjadi antara anggota keluarga, dan dalam hal ini anak menjadi korban inses. Oleh karena itu, diperlukan perlindungan hukum untuk memenuhi hak-hak anak yang menjadi korban inses. Penelitian ini bertujuan untuk mengetahui perlindungan hukum yang diberikan oleh Unit Perlindungan Perempuan dan Anak Satreskrim Polres Banyumas. Penelitian ini merupakan penelitian yuridis empiris*

**\*Rani Hendriana**

Tel.: +62 812-2813-3737

Email: rani.hendriana@unsoed.ac.id

This work is licensed under a [Creative Commons Attribution-Share](https://creativecommons.org/licenses/by-sa/4.0/)

[Alike 4.0](https://creativecommons.org/licenses/by-sa/4.0/)



*dengan metode pendekatan kualitatif dan spesifikasi penelitian bersifat deskriptif analitis. Data yang digunakan dalam penulisan ini adalah data primer dan data sekunder. Data tersebut kemudian diolah dengan menggunakan metode reduksi, display data dan kategorisasi data kemudian disajikan dalam bentuk teks naratif, bagan dan grafik. Hasil penelitian ini menunjukkan pemberian perlindungan hukum berupa pengajuan restitusi, penyediaan tempat penampungan atau rumah aman, rehabilitasi medis dan psikologis bagi anak korban inses. Selanjutnya, faktor penghambat dari struktur hukum tersebut adalah kurangnya sumber daya manusia, seperti tidak tersedianya psikiater dan/atau psikolog forensik untuk menangani dan mengatasi trauma korban akibat peristiwa yang terjadi, serta kurangnya anggaran untuk visum. Terakhir, terkait sarana dan prasarana, Unit Perlindungan Perempuan dan Anak Satreskrim Polres Banyumas tidak menyediakan tempat penampungan atau rumah aman bagi korban. Selanjutnya dari substansi hukum yaitu belum adanya peraturan khusus yang mengatur tentang inses, sedangkan dari faktor budaya hukum adanya stigma negatif dari masyarakat yang memandang korban dengan sebelah mata, dan menganggap inses sebagai aib sehingga korban merasa takut dan malu untuk melaporkan kepada pihak yang berwajib, antara lain adanya budaya patriarki dan sikap superior dari laki-laki membuat perempuan tidak berdaya dan tidak mampu melawan.*

**Kata kunci:** anak; inses; perlindungan hukum.

## 1. INTRODUCTION

Crime is a phenomenon of society that cannot be separated from time and space. According to Van Hamel, a criminal offense is a person's behavior (*menselijke gedraging*) formulated in the law (*wet*), which is against the law, which should be punished (*strafwaardig*) and committed with fault.<sup>1</sup> The increase in criminal acts in Indonesia is certainly a concern and the emergence of insecurity in the community, and criminal acts that arise in Indonesia are quite diverse, such as cases of human trafficking, incest, sexual abuse, rape, murder, child crimes, and criminal acts of domestic violence.

Legal protection according to Angkasa theory is all the rights owned and given to every legal subject based on applicable laws and regulations.<sup>2</sup> Legal protection exists as a manifestation of the fulfillment of human rights in order to create a safe and peaceful life and protect everyone from arbitrary actions which is the purpose of the law which

---

<sup>1</sup> Moeljatno, *Azas -azas Hukum Pidana*, Jakarta, Rineka Cipta, 2015, hlm. 61.

<sup>2</sup> Angkasa, *Viktimologi*, Rajawali Pers, 2020, hlm. 170.

can be realized in the form of legal certainty.<sup>3</sup> Legal protection for victims of criminal acts is the obligation of all parties, especially the community and the state.<sup>4</sup> Legal protection of children as victims of incest is a very important aspect to be studied related to the rules of law that regulate it with the aim of being able to respect every individual's rights and to be able to punish every perpetrator who has committed such acts.<sup>5</sup>

Regarding sexual violence, it is not a new thing in human life. Sexual violence is a form of crime that harasses and tarnishes human dignity, and should be categorized as a type of crime against humanity.<sup>6</sup> Usually the most vulnerable and frequent victims of sexual violence are women and children, but it does not rule out the possibility that men can also become victims of sexual violence.<sup>7</sup>

Victims of crime or victims of criminal acts according to Arief Gosita are people who suffer physically and spiritually because of the actions of others who are contrary to human interests and rights.<sup>8</sup> Legal protection for victims of victimization in criminal law currently does not meet the sense of justice, especially for victims. Legal protection for victims of sexual violence is held as a form of security for victims, such as incest sexual violence.<sup>9</sup>

Incest is a sexual relationship between people who are related by blood, such as a father and his biological daughter, a mother and her biological son, a brother and his biological sister, a grandfather, and his grandson, or between siblings.<sup>10</sup> Such acts are part

---

<sup>3</sup> Melati Simangunsong, "Perlindungan Hukum Terhadap Korban Pelecehan Seksual di Pondok Pesantren Yang Terjadi di Kota Balikpapan", *Jurnal Lex Suprema*, Vol. 4, No. 2, September 2022, hal. 183.

<sup>4</sup> Muhammad Habib Albani, "Perlindungan Hukum Terhadap Anak Sebagai Korban Inses Menurut Undang – undang Perlindungan Anak Nomor 35 Tahun 2014", *Jurnal Perspektif Hukum*, Vol. 3, No. 1, Juni 2022. DOI: <https://doi.org/10.35447/jph.v3i1.465>

<sup>5</sup> Anjani dan Abshoryl Fitry, "Perlindungan Hukum Terhadap Anak Korban Tindak Pidana Inses di Indonesia", *Jurnal Wiraraja Prosiding SNAPP: Sosial Humaniora, Pertanian, Kesehatan dan Teknologi*, Vol. 2 No. 1, 2023, DOI: <https://doi.org/10.24929/snapp.v2i1.3119>

<sup>6</sup> Abdul Wahid dan Muhammad Irfan, *Perlindungan Terhadap Korban Kekerasan Seksual*, Bandung, Refika Aditama, 2001, hlm. 25.

<sup>7</sup> Marcheyla Sumera, "Perbuatan Kekerasan atau Pelecehan Seksual Terhadap Perempuan", *Lex et Societatis*, Vol. 1, No. 2, April – Juni 2013, hlm. 40.

<sup>8</sup> Herlyanty Bawole, "Perlindungan Hukum Bagi Korban Dalam Sistem Peradilan Pidana", *Lex Societatis*, Vol. 9, No. 3, Juli – September 2021, hlm. 20.

<sup>9</sup> Angkasa, *Viktimologi, Op. Cit*,

<sup>10</sup> Nurul Hidayatun Jalilah dan Ruly Prapitasari, *Buku Ajar Reproduksi dan Keluarga Berencana*, Indramayu, Andanu Abimata, 2020, hlm. 58.

of the crime or sexual abuse committed by older perpetrators against minors to satisfy the sexual desires of the perpetrators. Incest can occur due to many factors that influence it both internally and externally.<sup>11</sup> There are several factors that may be the cause of the practice of incest itself, such as:<sup>12</sup>

1. Like to like;
2. Threats and coercion from either party;
3. The existence of opportunity and intention;
4. The existence of economic factors.

Furthermore, incest also has 3 (three) scopes, such as:<sup>13</sup>

- a. Parental incest, sexual relationship between parents and children, such as fathers with their biological daughters, mothers with their biological sons.
- b. Sibling incest, sexual relations between siblings.
- c. Family incest, this is a sexual relationship that includes other people who have power over the child, such as uncles, aunts, grandparents, and cousins.

The practice of incest committed against women with coercion and threats will certainly bring its own physical and psychological wounds to its victims. Some of the psychological effects of sexual violence that may occur are depression, phobia, excessive suspicion of others, and then if they are excessively frightened, the victim will feel a strong urge to commit suicide because they feel they have no meaning anymore.<sup>14</sup> The home should be a safe haven for all family members, but in reality, many homes are frightening because they become places of suffering and torture due to acts of violence, especially for women.<sup>15</sup>

---

<sup>11</sup> Moch. Ilyas Nada Agrianto, "Persetubuhan dengan Kekerasan yang dilakukan dengan Saudara Sekandung (Sedarah) dalam Kualifikasi Tindak Pidana", *Jurist-Diction*, Vol. 5, No. 3, 27 Mei 2022, hlm. 1048.

<sup>12</sup> Deanny Melati Sukma dan Ahmad Yamin, "Faktor Penyebab dan Upaya Penanggulangan Kejadian Hubungan Sedarah (Incest)", *Jurnal Kesehatan Bakti Tunas Husada Ilmu – ilmu Keperawatan*, Vol. 21, No. 2, Agustus 2021, hlm. 209.

<sup>13</sup> Siti Nur Wafiq Azizih dan Hideo Wibowo, "Analisis Viktimologi Dalam Kejahatan Inses", *Jurnal Ilmu Hukum dan Administrasi Negara*, Vol. 1, No. 3, Agustus 2023, hlm. 112.

<sup>14</sup> Muhammad Anwar Fuady, "Dinamika Psikologis Kekerasan Seksual: Studi Fenomenologi", *Jurnal Dinamika Psikologi*, Vol. 8, No. 2, Januari 2011, hlm. 194.

<sup>15</sup> Dwi Hapsari Retnaningrum, "Incest Sebagai Bentuk Manifestasi Kekerasan Terhadap Perempuan", *Jurnal Dinamika Hukum*, Vol. 9, No. 1, Januari 2009, hlm. 21.

Cases of sexual violence, especially incest, need to be studied from the aspect of victimology, because victimology is a science that studies victims. Victimology is present to discuss analyzing various aspects of victims, explaining the causes of victimization, especially victimization due to criminal acts, and creating a system that is useful for reducing the suffering of victims, for example filing restitution and compensation and various policies that have been made by the government.<sup>16</sup> Banyumas Regency, the number of incest cases involving children recorded from 2020 to December 2023 was around 4 (four) - 5 (five) incest cases. Based on this, it can be concluded that victims of sexual violence in the form of incest that occurred in Banyumas Regency certainly need legal protection and special treatment, such as trauma recovery, and providing a safe place to live.

Along with the progress of the Banyumas Regency Women and Children Protection Unit of the Police Criminal Investigation Unit in providing legal protection, there must be obstacles such as from the structural aspects in the form of a lack of human resources, lack of budget funds for post mortem for victims of criminal acts, unavailability of shelters or safe houses. Furthermore, from the aspect of legal substance, and legal culture such as families and/or communities whose level of legal awareness is still low, as well as negative views and lack of care and empathy from the surrounding community for incest.

## **2. RESEARCH METHODS**

In compiling this research, an empirical juridical research method is used which examines the applicable legal provisions and what happens in the reality of society, using descriptive analytical research specifications. Furthermore, the research location used for research is at the Criminal Investigation Unit of the Banyumas Regency Women and Children Protection Unit, and the Banyumas Regency Regional Technical Implementation Unit for supporting data from the victim's side. The research informants who will be the source of data material in this writing are the Head of the Women and

---

<sup>16</sup> Angkasa, Viktimologi, *Op. Cit.*

Children Protection Unit of the Banyumas Criminal Investigation Unit and the victim advocate directly from the Regional Technical Implementation Unit.

Furthermore, the data collection techniques used in this research are using primary data and secondary data which can be obtained by means of interviews to obtain information and certain objectives by asking questions usually of a general nature. The second uses observation conducted at the Criminal Investigation Unit of the PPA Unit of Banyumas Regency to make observations and search for information regarding the provision of legal protection to children as victims of incest. Data analysis used in this legal research uses a qualitative descriptive method which aims to convert raw data into descriptive form, then further data analysis using content analysis method, which is a scientific analysis technique that includes classification efforts and uses certain analytical techniques to make predictions.

### **3. RESULTS AND DISCUSSION**

Based on the results of interviews in this study, according to x1 as the head of the Criminal Investigation Unit of the Banyumas Regency Women and Children Unit, there were 5 (five) cases of incest in 4 (four) years in Banyumas and the majority of those who committed incest were biological fathers to their own biological daughters, sometimes there were also biological brothers with their younger sisters, and there were even those who did it together such as biological fathers and older brothers. Furthermore, according to x1, the factors that support the occurrence of incest in Banyumas Regency are economic factors, low levels of education, and low human resources. In addition to these factors, it is certainly due to threats from the perpetrator. In contrast to x1's opinion, y1 as a victim advocate from the Banyumas Regency Regional Technical Implementation Unit believes that there are other factors that cause incest cases, especially in Banyumas Regency, such as human resources factors and a very strong patriarchal culture.

The Criminal Investigation Unit of the Women and Children Unit has attempted to provide legal protection in the form of fulfilling rights by assisting in filing retitution. Furthermore, the Banyumas Regency PPA Unit Criminal Investigation Unit collaborates with the Banyumas Regency Regional Technical Implementation Unit to provide

facilitation of medical and social rehabilitation to victims of incest sexual violence which aims to restore and restore bodily, psychological, and social functions.

### **3.1. Legal Protection of Children as Victims of Incest Committed by their Birth Father from the Perspective of Victimology**

Victimology as a science of victims has three fundamental objectives, namely:

- a. Analyze various aspects of the victim's problem;
- b. Explaining the causes of victimization;
- c. Creating a system to reduce the suffering of victims.<sup>17</sup>

In relation to the first objective above, victims of incest certainly experience suffering and loss not only from the physical aspect but also psychologically and socially. There are several losses or sufferings received by victims, such as physical and psychological. Physically, victims of incest are at risk of genital damage because the act is forced by the perpetrator, and incest also has the potential to transmit sexually transmitted diseases (STDs) such as gonorrhea. Other sufferings of incest victims include unwanted pregnancies and pregnancies that are at risk of being born with serious defects due to the victim's immature age and lack of knowledge about pregnancy. Victims of incest also experience psychological suffering. Victims will experience depression and feel they have a low self-image and have a negative view of their body and sexuality. Victims lose the power of their own bodies to determine what happens to their bodies. Further suffering victims often feel lonely, alone and tend to be moodier because they withdraw from the community due to negative stigma and or ostracism from the community.

As for the second goal of victimology related to analyzing the causes of victimization, that based on the results of the study there tends to be no victim precipitation, this is due to the age factor of the victim who is still underage so that he is more at risk of becoming a victim. This is in line with one of Hans Von Hentig's typologies that "The Young" or young people have a risk of becoming victims of various kinds of criminal acts. This is because they are physically weak and have immature mental personalities and do not have sufficient resilience when they have to face attacks,

---

<sup>17</sup> *Ibid.*, hlm. 70.

especially from adults.<sup>18</sup> Incest cases experienced by children occur due to several factors, the main one being the low level of human resources, the patriarchal and superior nature of a man - a man who begins with a threat if the victim does not want to do what the perpetrator wants to cause helplessness to the child or woman. The perpetrator tricks the victim using the psychological side of the victim until finally they have dependence on the perpetrator.<sup>19</sup>

Legal protection can be given to any legal subject based on applicable laws and regulations, one of which is legal protection for children. Barda Nawawi Arief stated that legal protection for children can be interpreted as an effort to protect the law against various freedoms and fundamental rights of children and various interests related to the interests of children. Legal protection for victims of sexual violence is held as a form of security for victims, such as incest sexual violence. Legal protection for victims of incest sexual violence is not limited to punishing the perpetrators with severe criminal penalties, because the severity of the criminal penalties charged against the perpetrators does not guarantee the victims get legal protection. Victims need legal protection from the time they make a complaint until the examination process is complete.

Referring to the results of the research, cases of incestuous sexual violence that occurred in the jurisdiction of the Banyumas Regency Women and Child Protection Unit's Satreskrim, there were 5 (five) cases of incestuous sexual violence in the last 4 (four) years (2020 - 2023). The legal basis used to follow up on these incest cases is Law No. 23 of 2004 concerning the Elimination of Domestic Violence, Law No. 35 of 2014 concerning Child Protection, Law No. 12 of 2022 concerning Criminal Acts of Sexual Violence, Law No. 1 of 2012 concerning the Child Criminal Justice System, Law No. 31 of 2014 concerning Witness and Victim Protection. The legal basis for dealing with sexual violence, especially incest, must be strictly enforced to provide a deterrent effect to the perpetrators of incest, even though the perpetrators are biological fathers and/or biological brothers.

---

<sup>18</sup> *Ibid.*, hlm. 110.

<sup>19</sup> *Ibid.*, hlm. 71.

Furthermore, the legal basis used by the Regional Technical Implementation Unit for the Protection of Women and Children of Banyumas Regency as a party to assist victims of sexual violence, especially incest, is Law No. 23 of 2004 concerning the Elimination of Domestic Violence (Law No. 23 of 2004), which clearly states that every victim has the right to receive protection from an authorized government institution, and in Banyumas, one of the authorized institutions is the Regional Technical Implementation Unit for the Protection of Women and Children of Banyumas Regency. The next legal basis used by the Regional Technical Implementation Unit for the Protection of Women and Children of Banyumas Regency is Law No. 12 of 2022 concerning Criminal Acts of Sexual Violence (Law No. 12 of 2022), Article 76 paragraph (3) states that every victim must be accompanied and given protection by the Regional Technical Implementation Unit for the Protection of Women and Children, Banyumas Regency Regent Regulation No. 93 of 2020 concerning the Establishment of the Position, Structure, Organization, Duties, and Functions and Work Procedures of the Regional Technical Implementation Unit for the Protection of Women and Children (Perbup No. 93 of 2020).

Law No. 35/2014 implicitly regulates the offense of incest in Article 76 letter d and provides criminal penalties in Article 81 paragraph (1) and paragraph (3). This law prohibits anyone from forcing a child to have sexual intercourse, if violated, the criminal penalty is a minimum imprisonment of 5 (five) years and a maximum of 15 (fifteen) years and a maximum fine of Rp. 5.000.000.000. (five billion rupiah).<sup>20</sup> The punishment can be increased by 1/3 of the applicable punishment if the perpetrator is a parent or person who still has a blood relationship.<sup>21</sup>

### **3.2. Factors Inhibiting Legal Protection of Children as Victims of Incest**

The inhibiting factors of the Banyumas Regency Women and Child Protection Unit Satreskrim in providing legal protection to children as victims of incest will be analyzed into 3 (three) components in Lawrence M. Friedman's legal system theory as quoted from Esmi Waraassih's book, namely:

---

<sup>20</sup> Desilasidea Cahya Zalabella, "Faktor-Faktor Penyebab Terjadinya Perkosaan Incest", *Indonesian Journal of Criminal Law and Criminology (IJCLC)*, Vol. 1, No. 1, Maret 2020, hlm. 121.

<sup>21</sup> *Ibid.*

a. Structural Component

The structural component is the institutions created by the legal system with various functions to support the operation of the system. This component is possible to see how the legal system provides services for the cultivation of legal materials in an organized manner.<sup>22</sup> Referring to the results of the study, the Criminal Investigation Unit of the Banyumas Regency Women and Children Protection Unit experienced obstacles in the structural component such as the lack of human resources such as the number of special personnel to handle women and children only consisted of 11 (eleven) people, including 3 (three) policewomen who received reports of criminal complaints every day, therefore the police as an investigating team could not work optimally which made the investigation process quite long. Furthermore, the unavailability of psychiatrists or forensic psychologists to handle and overcome the trauma of victims due to the events that occurred, as well as the lack of a budget for visums for victims of sexual violence, especially incest. The ideal cost budget charged to victims is Rp.50.000.00 (fifty thousand rupiah) - Rp.180.000.00 (one hundred and eighty thousand rupiah) in the Banyumas Regency area.

Furthermore, regarding facilities and infrastructure at the Banyumas Regency Women and Child Protection Unit, there are several aspects that do not yet support victims of sexual violence, especially incest. For example, such as a shelter or safe house for victims to take refuge if the victim needs more protection. This happens when the victim is no longer accepted by the community in their area, threats or terror come to the victim, therefore the victim feels safer if placed in a shelter or safe house. To overcome this obstacle, the Banyumas Regency Women and Child Protection Unit Criminal Investigation Unit must work together with the Banyumas Regency Women and Child Protection Regional Technical Implementation Unit so that it can run smoothly, and can create a sense of security, comfort for victims of sexual violence, especially incest.

---

<sup>22</sup> Esmi Warassih, *Pranata Hukum Sebuah Telaah Sosiologis*, Badan Penerbit Universitas Diponegoro, Semarang, 2010, hlm. 27.

**b. Substance Component**

The substance component is the output of the legal system, in the form of regulations, decisions that are used both by those who regulate and those who are regulated.<sup>23</sup> Referring to the research results as according to the Police Criminal Investigation Unit of the Banyumas Regency Women and Children Protection Unit, there are no inhibiting factors from the legal substance aspect.

There are different responses regarding the legal substance aspect. The Regional Technical Implementation Unit for the Protection of Women and Children of Banyumas Regency as the party tasked with fulfilling legal protection for victims of incest, according to him, there are still inhibiting factors from the legal substance aspect. Basically, there are several rights intended for victims of sexual violence, as stipulated in Article 67 paragraph (1) of Law No. 12 of 2022 that the rights of victims that must be fulfilled include: the right to handling, the right to protection, and the right to recovery. The victim's right to treatment as referred to in Article 67 paragraph (1) letter a is further explained in Article 68.

**c. Culture Component**

The cultural component consists of values, attitudes, perceptions, custom ways, ways of doing, ways of thinking, opinions that influence the operation of law by Lawrence M. Friedman and serves as a bridge that connects the rule of law with the legal behavior of all citizens.<sup>24</sup> Society is the main factor that greatly influences the performance of providing legal protection to children as victims of incest. There are still many families and/or communities with a low level of legal awareness, because there are still many families and/or communities who do not report cases of sexual violence, especially incest. The community gives the wrong treatment and views towards victims who experience sexual violence, for example how the victim dresses, continuous suspicion from the community to other communities but there is no further handling.

---

<sup>23</sup> *Ibid.*

<sup>24</sup> *Ibid.*

Another inhibiting factor is the perspective of the community that considers the relationship to be consensual and the labelling of incest as a disgrace that must be covered up. The main inhibiting factor is the patriarchal culture that is still very strong in the Banyumas area, which results in the powerlessness of children and women over the superior attitude of men. Apart from the three factors above, other obstacles also exist from the aspect of the victim. This is because victims who are still underage cause victims to be helpless and doubt their rights. Another obstacle from the victim's aspect is that victims tend to be moodier and find it difficult to tell stories about the events they have experienced.

## **CONCLUSION AND SUGGESTION**

Based on the results of the research and discussion that has been described, it can be concluded as follows:

1. Legal protection of children as victims of incest in the Criminal Investigation Unit of the Banyumas Regency Women and Children Unit Legal protection provided to child victims of incest is to apply for restitution in accordance with Article 70 paragraph (1) letter d of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence and the provision of medical and social rehabilitation in accordance with Article 70 paragraph (1) letters a and b of Law Number 12 of 2012 concerning Criminal Acts of Sexual Violence. Furthermore, the police cooperate with victim advocates to accompany victims and obtain services and assistance in accordance with Articles 17 and 18 of Law No. 23 of 2004 concerning the Elimination of Domestic Violence, providing a safe house or alternative residence in accordance with Article 22 paragraph (1) letter c of Law No. 23 of 2004 which is facilitated and cooperated by the Regional Technical Implementation Unit for the Protection of Women and Children of Banyumas Regency.
2. Inhibiting Factors of Legal Protection Against Children as Victims of Incest in the Satreskrim Unit for the Protection of Women and Children of Banyumas Regency can be divided into 3 (three) factors, namely the legal structure component, the legal substance component, and the legal culture component.

- a. The inhibiting factors in the legal structure component are the lack of human resources of the Banyumas Regency Women and Children Protection Unit because the unit only consists of 11 (eleven) members, including 3 (three) policewomen who receive reports of criminal complaints every day, therefore the police as an investigative team cannot work optimally which makes the investigation process quite long, then the unavailability of psychiatrists or forensic psychologists to handle and overcome the trauma of victims, and the lack of a budget for visum for victims of sexual violence. The ideal cost budget charged to victims is Rp. 50,000.00 (fifty thousand rupiah) - Rp. 180,000.00 (one hundred and eighty thousand rupiah) in the Banyumas Regency area.
- b. Inhibiting factors in the legal substance component were not found in the Banyumas Regency Women and Child Protection Unit Satreskrim, because they were in accordance with applicable laws and regulations. Meanwhile, the Banyumas Regency Regional Technical Implementation Unit still has obstacles in providing services to incest victims as regulated in the Regulation of the Minister of Women's Empowerment and Child Protection of the Republic of Indonesia Number 4 of 2018 concerning Guidelines for the Establishment of Regional Technical Implementation Units for the Protection of Women and Children, where the Banyumas Regency Regional Technical Implementation Unit has not been able to implement the regulation in its entirety.
- c. Inhibiting factors in the legal culture component such as families and/or communities with a low level of legal awareness and a strong patriarchal culture, causing many families and/or communities to not report incest cases and consider incest cases a disgrace that must be closed.

Based on the above conclusions, the suggestions put forward in this study are as follows:

There is a need for legal education or deeper insight into the community and school children regarding equality between men and women to minimize patriarchal culture and superior nature, as well as the dangers and impacts of incest on victims. Furthermore, it is necessary to provide sex education, especially to school children, villages and/or

communities about what sexual violence and sexual harassment are, as well as the impact of sexual violence in order to prevent early pregnancy and prevent the occurrence of free sex, violence and sexual harassment that they must respect and protect their bodies and can maintain the upholding of moral values and dare to report to the authorities if they experience harassment.

## **REFERENCE**

### **Book:**

- Abdul Wahid dan Muhammad Irfan. 2001, *Perlindungan Terhadap Korban Kekerasan Seksual*, Refika Aditama; Bandung.
- Angkasa, 2020, Rajawali Pers: Depok.
- Esmi Warassih. 2010, *Pranata Hukum Sebuah Telaah Sosiologis*. Badan Penerbit Universitas Diponegoro: Semarang.
- Moeljatno, 2015, Azas – azas Hukum Pidana, Rineka Cipta: Jakarta.
- Nurul Hidayatun Jalilah dan Ruly Prapitasari, 2020, *Buku Ajar Reproduksi dan Keluarga Berencana*, Andanu Abimata: Indramayu.

### **Journal:**

- Anjani dan Abshoryl Fitry, 2023, *Perlindungan Hukum Terhadap Anak Korban Tindak Pidana Inses di Indonesia*, Jurnal Wiraraja Prosiding SNAPP: Sosial Humaniora, Pertanian, Kesehatan dan Teknologi, Vol. 2 No. 1, DOI: <https://doi.org/10.24929/snapp.v2i1.3119>.
- Deanny Melati Sukma dan Ahmad Yamin, Agustus 2021, *Faktor Penyebab dan Upaya Penanggulangan Kejadian Hubungan Sedarah (Incest)*, Jurnal Kesehatan Bakti Tunas Husada Ilmu – ilmu Keperawatan, Vol. 21, No. 2.
- Desilasidea Cahya Zalzabella, Maret 2020, *Faktor-Faktor Penyebab Terjadinya Perkosaan Incest*, Indonesian Journal of Criminal Law and Criminology (IJCLC), Vol. 1, No. 1.
- Dwi Hapsari Retnaningrum, “Incest Sebagai Bentuk Manifestasi Kekerasan Terhadap Perempuan”, Jurnal Dinamika Hukum, Vol. 9, No. 1, Januari 2009, hlm. 21.
- Herlyanty Bawole, “Perlindungan Hukum Bagi Korban Dalam Sistem Peradilan Pidana”, Lex et Societatis, Vol. 9, No. 3, Juli – September 2021.
- Marcheyla Sumera, “Perbuatan Kekerasan atau Pelecehan Seksual Terhadap Perempuan”, Lex et Societatis, Vol. 1, No. 2, April – Juni 2013, hlm. 40.
- Melati Simangunsong, “Perlindungan Hukum Terhadap Korban Pelecehan Seksual di Pondok Pesantren Yang Terjadi di Kota Balikpapan”, Jurnal Lex Suprema, Vol. 4, No. 2, September 2022, hal. 183.
- Moch. Ilyas Nada Agrianto, “Persetubuhan dengan Kekerasan yang dilakukan dengan Saudara Sekandung (Sedarah) dalam Kualifikasi Tindak Pidana”, Jurist-Diction, Vol. 5, No. 3, 27 Mei 2022.
- Muhammad Anwar Fuady, “Dinamika Psikologis Kekerasan Seksual: Studi Fenomenologi”, Jurnal Dinamika Psikologi, Vol. 8, No. 2, Januari 2011, hlm. 194.

- Muhammad Habib Albani, “Perlindungan Hukum Terhadap Anak Sebagai Korban Inses Menurut Undang – undang Perlindungan Anak Nomor 35 Tahun 2014”, *Jurnal Perspektif Hukum*, Vol. 3, No. 1, Juni 2022. DOI: <https://doi.org/10.35447/jph.v3i1.465>
- Siti Nur Wafiq Azizih dan Hideo Wibowo, “Analisis Viktimologi Dalam Kejahatan Inses”, *Jurnal Ilmu Hukum dan Administrasi Negara*, Vol. 1, No. 3, Agustus 2023, hlm. 112.