

Reformulating Legal Protection for Vulnerable Women and Children in Indonesia: A Rechtsstaat-Based Framework

Virginia Usfunan¹, I Gede Yusa², I Gusti Ngurah Parikesit Widiatedja³, I Nyoman Bagiastra⁴, Efatha Filomeno Borromeu Duarte⁵

¹²³⁴⁵ Faculty of Law, Udayana University, Indonesia

Correspondence: vusfunan@gmail.com | gd_yusa@unud.ac.id | parikesit_widiatedja@unud.ac.id | nyoman_bagiastra@unud.ac.id | efathaborromeu@unud.ac.id

Abstract

Women and children remain exposed to forms of violence, exploitation, discrimination, and unequal access to remedies despite Indonesia's increasingly dense framework of protective legislation. This article examines whether that framework satisfies the substantive requirements of Indonesia's constitutional identity as a rechtsstaat (negara hukum), and how legal protection policy should be reformulated when the principal deficit lies not in the absence of norms but in the architecture of implementation. Using normative or doctrinal legal research, the study combines statute and conceptual approaches. It analyzes constitutional provisions, legislation on child protection, domestic violence, marriage, and sexual violence, recent implementing regulations adopted between 2024 and 2025, Indonesia's obligations under CEDAW and the Convention on the Rights of the Child, and relevant rule-of-law and vulnerability scholarship. The analysis shows that Indonesia has made substantial normative progress, including a more integrated implementation framework under the Sexual Violence Crimes Law. Nevertheless, persistent problems remain: sectoral fragmentation, uneven inter-agency coordination, territorial disparities in service capacity, barriers to reporting and remedies, a predominantly reactive orientation, weak interoperability of protection data, and insufficient mechanisms for institutional accountability. The article proposes a four-pillar reformulation: integrated protection governance, prevention-centered and digitally responsive measures, vulnerability- and intersectionality-sensitive protection, and measurable state accountability. It argues that a substantive rechtsstaat requires protection to operate as an enforceable institutional system rather than as a collection of formally valid statutes.

Keywords: legal protection; rechtsstaat; rule of law; vulnerable groups; women; children; Indonesia

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INTRODUCTION

Article 1(3) of the 1945 Constitution declares Indonesia to be a negara hukum, commonly translated as a state based on law. (Constitution of the Republic of Indonesia of 1945 (Undang-Undang Dasar Negara Republik Indonesia Tahun 1945), 1945) This constitutional commitment is not exhausted by the existence of enacted rules. In the classical rechtsstaat tradition, public power must be legally limited and directed toward the protection of rights; in the rule-of-law tradition, legality must also restrain arbitrariness and apply equally. (Bingham, 2010; Dicey, 1915; Raz, 1977; Stahl, 1878) Indonesian constitutional thought similarly treats negara hukum as a constitutional order in which legality, human rights, judicial control, and public accountability are mutually reinforcing. (Asshiddiqie, 2010)

That substantive understanding is particularly significant for women and children. Their exposure to harm should not be framed as an inherent weakness of two homogeneous social categories. Vulnerability is produced and intensified by relations of dependency, age, gender hierarchy, disability, poverty, geographical isolation, digital exposure, and unequal access to institutions. (Crenshaw, 1989; Fineman, 2008) In Indonesian legal scholarship, the idea of legal protection likewise emphasizes the obligation of law and public institutions to provide

safeguards against arbitrary or harmful exercises of power and to make rights practically usable. (Hadjon, 1987; Rahardjo, 1991)

Indonesia has progressively expanded its protective legal architecture. It ratified CEDAW through Law No. 7 of 1984 and the Convention on the Rights of the Child (CRC) through Presidential Decree No. 36 of 1990. (Convention on the Elimination of All Forms of Discrimination against Women, 1979; Convention on the Rights of the Child, 1989; Law No. 7 of 1984 on the Ratification of the Convention on the Elimination of All Forms of Discrimination against Women, 1984; Presidential Decree No. 36 of 1990 on the Ratification of the Convention on the Rights of the Child, 1990) Domestic legislation now includes the Domestic Violence Law, the Child Protection Law and its amendments, the 2019 amendment to the Marriage Law, and Law No. 12 of 2022 on Sexual Violence Crimes (the TPKS Law). (Law No. 12 of 2022 on Sexual Violence Crimes, 2022; Law No. 16 of 2019 Amending Law No. 1 of 1974 on Marriage, 2019; Law No. 17 of 2016 on the Second Amendment to Law No. 23 of 2002 on Child Protection, 2016; Law No. 23 of 2004 on the Elimination of Domestic Violence, 2004; Law No. 35 of 2014 Amending Law No. 23 of 2002 on Child Protection, 2014) The TPKS Law is especially important because it expressly links prevention, handling, protection, recovery, law enforcement, and non-repetition within one statutory framework.

The expansion of legislation has not eliminated the protection problem. Komnas Perempuan's 2024 annual documentation, released in 2025, recorded 330,097 cases categorized as gender-based violence against women. The report also cautions that its data-collection method changed, meaning that the figure should not be treated as a direct prevalence estimate or as a simple year-to-year trend measure. (Komisi Nasional Anti Kekerasan terhadap Perempuan (Komnas Perempuan), 2025) KPAI's 2024 performance report recorded 2,057 complaints and noted that many cases reaching the Commission involved obstacles to access to justice or unresolved problems at regional levels. (Komisi Perlindungan Anak Indonesia (KPAI), 2024) These administrative data do not by themselves prove legislative failure; they do, however, demonstrate a continuing institutional burden and the need to examine how legal guarantees are implemented.

The central problem of this article is therefore not whether Indonesia possesses protective norms, but whether those norms operate as a coherent system capable of preventing harm, ensuring accessible remedies, coordinating responsible institutions, and assigning accountability when protection fails. This distinction is important. A formal *rechtsstaat* can be satisfied by legislation that is validly enacted, whereas a substantive *rechtsstaat* requires legal certainty, equality, effective rights protection, and accountable public administration in practice. (Asshiddiqie, 2010; Office of the United Nations High Commissioner for Human Rights, 2006)

Existing discussions often assess individual statutes or specific forms of violence. This article takes a different analytical position: it treats fragmentation itself as a constitutional and institutional problem. Its contribution is to connect the *rechtsstaat* principle with a vulnerability-sensitive model of protective governance. The argument is that reform should not primarily add new prohibitions to an already dense statute book. Instead, it should integrate mandates, prioritize prevention, recognize intersecting vulnerabilities, establish interoperable data and service pathways, and make institutional non-performance legally visible and reviewable.

METHOD

This study uses normative or doctrinal legal research, which examines law as a system of norms, principles, institutions, and authoritative legal materials rather than as an empirical account of social behavior. (Soekanto & Mamudji, 2013) The method is appropriate because the research question concerns the coherence and adequacy of legal protection policy when measured against constitutional *rechtsstaat* principles and international human-rights obligations.

Two approaches are combined. First, a statute approach maps the hierarchy and interaction of the relevant legal instruments: the 1945 Constitution; statutes governing domestic violence, child protection, marriage, and sexual violence; implementing regulations; and Indonesia's ratification of CEDAW and the CRC. Particular attention is given to recent implementation measures under the TPKS Law, including Presidential Regulation No. 9 of 2024 on training, Presidential Regulation No. 55 of 2024 on Regional Technical Implementation Units for the Protection of Women and Children (UPTD PPA), Government Regulation No. 27 of 2024 on coordination and monitoring, and Government Regulation No. 29 of 2025 on the Victim Assistance Fund. (Government Regulation No. 27 of 2024 on Coordination and Monitoring of the Prevention and Handling of Victims of Sexual Violence Crimes, 2024; Government Regulation No. 29 of 2025 on the Victim Assistance Fund for Sexual Violence Crimes, 2025; Presidential Regulation No. 9 of 2024 on Education and Training for the Prevention and Handling of Sexual Violence Crimes, 2024; Presidential Regulation No. 55 of 2024 on Regional Technical Implementation Units for the Protection of Women and Children, 2024)

Second, a conceptual approach uses the *rechtsstaat*, rule of law, legal protection, vulnerability, substantive equality, and intersectionality as analytical lenses. (Bingham, 2010; Crenshaw, 1989; Dicey, 1915; Fineman, 2008; Hadjon, 1987; Raz, 1977; Stahl, 1878) International standards are used not as external substitutes for domestic law but as interpretive materials for Indonesia's own treaty commitments, particularly the obligation to exercise due diligence in preventing and responding to gender-based violence and the requirement of a coordinated framework to protect children from all forms of violence. (Committee on the Elimination of Discrimination against Women, 2017; Committee on the Rights of the Child, 2011)

Primary legal materials are interpreted systematically and purposively, with attention to constitutional hierarchy, the allocation of institutional responsibility, and the relationship between rights and remedies. Secondary materials, including official reports from Komnas Perempuan and KPAI, are used to identify implementation pressures and institutional problems; they are not treated as population-prevalence studies. The analysis is descriptive-analytical and prescriptive: it first identifies the existing normative architecture and its points of fragmentation, then derives reform principles from the constitutional and human-rights framework.

RESULTS AND DISCUSSION

1. Conceptual Framework: From Formal Legality to Substantive Protection

The *rechtsstaat* is often reduced to the proposition that government must act under law. That proposition is necessary but insufficient. Stahl's classical account connected the *rechtsstaat* with rights protection, the separation of powers, legality of administration, and judicial control, while Dicey emphasized the supremacy of regular law and equality before the law. (Dicey, 1915; Stahl, 1878) Later rule-of-law theory clarifies an important distinction: legal predictability and formal constraints on power are indispensable, but they do not automatically ensure that law protects vulnerable persons fairly or effectively. (Bingham, 2010; Raz, 1977)

For the Indonesian context, this distinction can be expressed as the difference between formal and substantive *negara hukum*. Formal legality asks whether state action has a legal basis, whether competences are properly allocated, and whether rules are publicly knowable. Substantive legality asks an additional question: do the institutions created by law actually protect constitutional rights, prevent discriminatory treatment, and provide remedies when rights are violated? Asshiddiqie's account of Indonesian constitutionalism supports this broader linkage between legal government, human rights, and institutional accountability. (Asshiddiqie, 2010)

The constitutional text provides a direct basis for this substantive reading. Article 28B(2) guarantees every child the right to survival, growth, and development and protection from

violence and discrimination. Article 28G protects personal security and dignity, Article 28I(2) prohibits discriminatory treatment, and Article 28H(2) recognizes special measures necessary to achieve equality and justice. (Constitution of the Republic of Indonesia of 1945 (Undang-Undang Dasar Negara Republik Indonesia Tahun 1945), 1945) Read together, these provisions support positive protective duties: the state must not only refrain from violating rights but must organize laws and institutions capable of protecting people from foreseeable harm. This is consistent with the human-rights framework of duties to respect, protect, and fulfil. (Office of the United Nations High Commissioner for Human Rights, 2006)

A vulnerability-sensitive approach deepens this constitutional analysis. Fineman's vulnerability thesis shifts attention from exceptional categories to the institutional arrangements that distribute resilience and exposure to harm. (Fineman, 2008) Intersectionality similarly explains why the experience of a woman or a child cannot be understood through one identity dimension alone; overlapping structures of gender, age, disability, economic status, migration status, rurality, and other conditions may create distinct barriers to protection. (Crenshaw, 1989) For legal policy, the implication is practical: equal protection does not always mean identical procedures. Substantive equality may require differentiated access mechanisms, accommodations, outreach, and support.

International law reinforces this orientation. CEDAW General Recommendation No. 35 treats gender-based violence as a social and structural problem and requires comprehensive state responses rather than isolated reactions to individual incidents. (Committee on the Elimination of Discrimination against Women, 2017) The Committee on the Rights of the Child's General Comment No. 13 calls for legislative, administrative, social, and educational measures and specifically emphasizes a coordinated national framework against violence. (Committee on the Rights of the Child, 2011) These standards are consistent with, rather than external to, Indonesia's constitutional *rechtsstaat* commitment because Indonesia has ratified both CEDAW and the CRC.

2. Indonesia's Existing Legal and Institutional Architecture

Indonesia's protection framework has developed through several sectoral layers. The Domestic Violence Law criminalizes physical, psychological, sexual, and household neglect or economic forms of violence and provides a basis for protective measures within the domestic sphere. (Law No. 23 of 2004 on the Elimination of Domestic Violence, 2004) The Child Protection Law, as amended in 2014 and 2016, strengthens children's rights, special protection obligations, and sanctions for particular forms of violence against children. (Law No. 17 of 2016 on the Second Amendment to Law No. 23 of 2002 on Child Protection, 2016; Law No. 35 of 2014 Amending Law No. 23 of 2002 on Child Protection, 2014) The 2019 Marriage Law amendment equalized the minimum marriage age for women and men at nineteen, expressly linking the reform to child protection and the prevention of harms associated with child marriage. (Law No. 16 of 2019 Amending Law No. 1 of 1974 on Marriage, 2019)

The most significant recent development is the TPKS Law. It does more than criminalize specified forms of sexual violence. Its structure addresses prevention, victim handling, protection, recovery, procedural rights, restitution, intergovernmental coordination, community participation, and guarantees of non-repetition. (Law No. 12 of 2022 on Sexual Violence Crimes, 2022) This design is closer to an integrated protection model because it connects substantive offences with institutional obligations and victim-centered remedies.

Implementation measures adopted after the TPKS Law further densify this framework. Presidential Regulation No. 9 of 2024 requires education and training for law-enforcement officers and service providers involved in prevention and handling. (Presidential Regulation No. 9 of 2024 on Education and Training for the Prevention and Handling of Sexual Violence Crimes, 2024) Presidential Regulation No. 55 of 2024 provides a national legal basis for UPTD PPA at provincial and regency/city levels as frontline institutions for integrated services. (Presidential Regulation No. 55 of 2024 on Regional Technical Implementation Units for the

Protection of Women and Children, 2024) Government Regulation No. 27 of 2024 regulates coordination and monitoring of prevention and victim handling, while Government Regulation No. 29 of 2025 establishes a Victim Assistance Fund mechanism for sexual-violence victims. (Government Regulation No. 27 of 2024 on Coordination and Monitoring of the Prevention and Handling of Victims of Sexual Violence Crimes, 2024; Government Regulation No. 29 of 2025 on the Victim Assistance Fund for Sexual Violence Crimes, 2025)

This regulatory development is important for two reasons. First, it demonstrates that Indonesia's protection system cannot fairly be described as normatively minimal. The legislature and executive have created an increasingly detailed framework that recognizes prevention, service coordination, recovery, and compensation. Second, the newer regulations partially respond to coordination weaknesses identified in earlier practice. Therefore, any current critique must be carefully framed: the question is not whether coordination is legally recognized, but whether the new coordination rules produce consistent institutional performance across sectors and territories.

Institutionally, protection is distributed among the Ministry of Women's Empowerment and Child Protection, Komnas Perempuan, KPAI, UPTD PPA, police and prosecutors, courts, health providers, social services, local governments, and community-based service organizations. The existence of multiple actors is not itself a defect; complex harms require specialization. The legal difficulty arises when specialization is not matched by a clear case pathway, interoperable information, referral standards, minimum service capacity, and responsibility for failures at institutional boundaries. This is where the framework must be tested against *rechtsstaat* values of legal certainty and accountability. (Mahfud MD, 2010; Rahardjo, 1991)

3. Structural Deficits in Protection

a. Fragmentation and normative overlap

Sectoral legislation remains a structural source of complexity. A single factual situation may simultaneously involve domestic violence, sexual violence, child protection, trafficking, cybercrime, family law, health services, and social protection. Each field can have different definitions, evidentiary expectations, responsible institutions, and procedural routes. The problem is therefore not simply overlapping laws; it is the absence, in some cases, of a sufficiently visible operational rule determining which institution leads, how information is transferred, and how the victim avoids repeated reporting. Legal certainty requires more than identifying the applicable statutes. It requires a predictable institutional pathway from disclosure to protection, investigation, adjudication, recovery, and follow-up. (Asshiddiqie, 2010; Mahfud MD, 2010)

The TPKS Law and its implementing regulations have begun to address this problem through integrated prevention, handling, UPTD PPA, coordination, monitoring, and victim assistance. (Government Regulation No. 27 of 2024 on Coordination and Monitoring of the Prevention and Handling of Victims of Sexual Violence Crimes, 2024; Government Regulation No. 29 of 2025 on the Victim Assistance Fund for Sexual Violence Crimes, 2025; Law No. 12 of 2022 on Sexual Violence Crimes, 2022; Presidential Regulation No. 55 of 2024 on Regional Technical Implementation Units for the Protection of Women and Children, 2024) Nevertheless, the existence of coordination norms should not be equated with achieved integration. Implementation still depends on regional capacity, standardized protocols, trained personnel, budget allocation, and the willingness of institutions to share responsibility rather than transfer it.

b. Institutional coordination and territorial inequality

Indonesia's decentralized system makes local government indispensable to protection, but it can also produce territorial variation. UPTD PPA are intended to provide integrated frontline services, and Presidential Regulation No. 55 of 2024 strengthens their legal position. (Presidential Regulation No. 55 of 2024 on Regional Technical Implementation Units for the Protection of Women and Children, 2024) Yet a *rechtsstaat* concern remains if the practical

availability of protection depends excessively on local fiscal capacity or administrative commitment. Rights guaranteed by the national Constitution should not become materially weaker merely because a victim lives in a region with fewer trained personnel, shelters, forensic services, or legal-aid connections.

KPAI's 2024 report is relevant here because it notes complaints involving barriers to access to justice and unresolved cases at subnational levels. (Komisi Perlindungan Anak Indonesia (KPAI), 2024) Such reporting cannot establish the performance of every region, but it supports the need for nationally enforceable minimum service standards and monitoring. A decentralized delivery model is compatible with the *rechtsstaat* only if national law establishes the minimum level of protection that every region must be capable of providing.

c. Enforcement, reporting, remedies, and victim recovery

Protective legislation may fail substantively when victims cannot safely report, when procedures reproduce stigma, when evidentiary demands are poorly adapted to the nature of violence, or when restitution and recovery remain difficult to obtain. CEDAW General Recommendation No. 35 emphasizes due diligence and effective remedies, while the CRC's General Comment No. 13 stresses child-sensitive procedures and comprehensive support. (Committee on the Elimination of Discrimination against Women, 2017; Committee on the Rights of the Child, 2011) These standards require attention not only to criminal conviction but also to safety, psychosocial recovery, confidentiality, legal assistance, and protection from retaliation or repeated victimization.

The Victim Assistance Fund under Government Regulation No. 29 of 2025 is therefore a significant normative development because it recognizes that formal entitlement to restitution may be insufficient when recovery depends on actual financial resources. (Government Regulation No. 29 of 2025 on the Victim Assistance Fund for Sexual Violence Crimes, 2025) The *rechtsstaat* test is whether access to such mechanisms is timely, understandable, and consistently administered. A right that is technically available but practically inaccessible remains only partially realized.

d. Reactive orientation and emerging digital risks

A large part of protection law remains event-triggered: institutions become active after violence has been disclosed or reported. Reactive mechanisms are indispensable, but they cannot substitute for prevention. The constitutional duty to protect is stronger when institutions can identify foreseeable risks and intervene lawfully before harm escalates. Rights education, safe-school systems, community referral networks, perpetrator-risk assessment, family support, and digital-safety measures should therefore be treated as components of legal protection rather than optional social programs. (Committee on the Elimination of Discrimination against Women, 2017; Committee on the Rights of the Child, 2011)

Digital environments intensify this need. KPAI's 2024 report identifies online and cyber-related risks among child-protection concerns, while Komnas Perempuan's annual documentation continues to identify technology-facilitated gender-based violence as a major area of concern. (Komisi Nasional Anti Kekerasan terhadap Perempuan (Komnas Perempuan), 2025; Komisi Perlindungan Anak Indonesia (KPAI), 2024) A preventive legal framework must therefore be technologically responsive without becoming overbroad or punitive. It should combine platform accountability, digital literacy, rapid evidence preservation, child-sensitive reporting, privacy protection, and effective referral to law enforcement and support services.

e. Data fragmentation and accountability deficits

Protection systems depend on data for prevention, budgeting, service planning, and accountability. Yet administrative datasets produced by different institutions may use different definitions, units of counting, reporting channels, and time periods. Komnas Perempuan itself explains that changes in data-collection methodology affect comparability across years. (Komisi Nasional Anti Kekerasan terhadap Perempuan (Komnas Perempuan), 2025) This

methodological transparency is valuable, but it also illustrates why policy should not rely on a single aggregate number or on unharmonized institutional datasets.

A rechtsstaat-based data framework should therefore standardize core definitions, preserve institutional mandates, protect personal data, and permit lawful interoperability for case referral and policy monitoring. Accountability also requires publication of indicators that measure more than the number of cases received: response time, availability of protection orders, referral completion, restitution or assistance delivered, recovery services, repeat victimization, and the geographical distribution of service capacity. Without such indicators, legal compliance can be declared at the level of enacted rules even when institutional protection is weak.

Reformulating Legal Protection Policy

The appropriate reform is not a wholesale replacement of existing legislation. Indonesia has already achieved substantial normative development, and recent TPKS implementing measures move toward an integrated model. Reformulation should therefore focus on architecture: how existing norms, institutions, budgets, data, and remedies are connected. Four mutually reinforcing pillars are proposed.

a. Integrated protection governance

First, protection should be organized through a binding national governance architecture that clarifies the case pathway for overlapping harms. The framework should identify a lead coordinating institution for each category of case, establish mandatory referral timelines, regulate inter-agency information exchange, and prevent victims from being required to repeat the same account unnecessarily to multiple institutions. Government Regulation No. 27 of 2024 and Presidential Regulation No. 55 of 2024 provide an important legal foundation that can be operationalized through detailed service standards and interoperable protocols. (Government Regulation No. 27 of 2024 on Coordination and Monitoring of the Prevention and Handling of Victims of Sexual Violence Crimes, 2024; Presidential Regulation No. 55 of 2024 on Regional Technical Implementation Units for the Protection of Women and Children, 2024)

Integration should not eliminate institutional specialization. Police, health services, social workers, UPTD PPA, KPAI, Komnas Perempuan, prosecutors, courts, and civil society possess different expertise and legal mandates. The objective is coordinated specialization: each institution retains its function but operates within a common pathway that makes responsibility visible. This is consistent with the rechtsstaat requirement that citizens be able to determine which public body is responsible for a legal duty and how a failure can be reviewed. (Asshiddiqie, 2010; Stahl, 1878)

b. Prevention-centered and digitally responsive protection

Second, the system should move from an overwhelmingly incident-based model toward legally structured prevention. The TPKS Law already provides a statutory foundation for prevention, and Presidential Regulation No. 9 of 2024 strengthens professional training. (Law No. 12 of 2022 on Sexual Violence Crimes, 2022; Presidential Regulation No. 9 of 2024 on Education and Training for the Prevention and Handling of Sexual Violence Crimes, 2024) Reform should translate these obligations into measurable prevention programs in schools, communities, health services, workplaces, and digital environments. Minimum standards should specify who must conduct risk education, how often, which referral mechanisms must exist, and how outcomes are evaluated.

Digital prevention should be designed around rights rather than surveillance. Children and women need rapid reporting channels, preservation of digital evidence, privacy safeguards, platform cooperation, and specialized support for online grooming, image-based abuse, harassment, and other technology-facilitated harms. Preventive policy should also address the institutional capacity of investigators, prosecutors, judges, counselors, and social workers to understand digital evidence and trauma-informed practice. (Komisi Nasional Anti

Kekerasan terhadap Perempuan (Komnas Perempuan), 2025; Komisi Perlindungan Anak Indonesia (KPAI), 2024)

c. Vulnerability- and intersectionality-sensitive protection

Third, protective procedures must recognize that formally identical treatment can reproduce inequality. A child with a disability, a girl in a remote area, a woman without independent income, a migrant, or a victim who depends economically on the perpetrator may require different access arrangements even when the substantive right is the same. (Crenshaw, 1989; Fineman, 2008) This approach is consistent with Article 28H(2) and Article 28I(2) of the Constitution, which support measures necessary to achieve substantive equality and prohibit discrimination. (Constitution of the Republic of Indonesia of 1945 (Undang-Undang Dasar Negara Republik Indonesia Tahun 1945), 1945)

Operationally, this means accessible communication formats, disability accommodations, mobile and remote services, confidentiality protections, transportation or safe-shelter assistance, child-friendly interviewing, legal aid, language support where required, and procedures that consider economic dependency and retaliation risk. CEDAW and the CRC should function as living interpretive obligations guiding these measures, not merely as historical ratification instruments. (Committee on the Elimination of Discrimination against Women, 2017; Committee on the Rights of the Child, 2011; Convention on the Elimination of All Forms of Discrimination against Women, 1979; Convention on the Rights of the Child, 1989)

d. Measurable state accountability

Fourth, reformulation must make institutional accountability concrete. Accountability is broader than criminal responsibility of perpetrators. It includes administrative responsibility when public bodies fail to provide mandated services, ignore referrals, breach confidentiality, delay protection, or fail to coordinate. A substantive *rechtsstaat* requires mechanisms through which such failures can be complained of, reviewed, corrected, and, where appropriate, remedied. (Bingham, 2010; Office of the United Nations High Commissioner for Human Rights, 2006)

National monitoring should therefore combine legal-compliance indicators with outcome and service indicators. Central and regional authorities should report minimum service capacity, staffing, training, response time, referral completion, access to assistance funds, and implementation of victim recovery measures. The data should be disaggregated sufficiently to reveal unequal access across geography and relevant vulnerability factors while maintaining privacy. This form of accountability would connect constitutional rights to budgetary and administrative decisions and would reduce the risk that protective law remains symbolically strong but institutionally weak.

These four pillars are mutually dependent. Integration without prevention remains reactive; prevention without vulnerability analysis can exclude those facing the greatest barriers; vulnerability-sensitive services without accountability can depend on discretion; and accountability without reliable data becomes formalistic. Reformulation should therefore be understood as a single constitutional governance project rather than a list of independent policy options.

CONCLUSION

Indonesia has constructed an extensive legal framework for the protection of women and children. Constitutional guarantees under Articles 28B, 28G, 28H, and 28I are reinforced by sectoral legislation on domestic violence, child protection, marriage, and sexual violence, together with Indonesia's commitments under CEDAW and the CRC. (Constitution of the Republic of Indonesia of 1945 (Undang-Undang Dasar Negara Republik Indonesia Tahun 1945), 1945; Convention on the Elimination of All Forms of Discrimination against Women, 1979; Convention on the Rights of the Child, 1989; Law No. 12 of 2022 on Sexual Violence Crimes, 2022; Law No. 16 of 2019 Amending Law No. 1 of 1974 on Marriage, 2019; Law No. 17 of 2016 on the Second Amendment to Law No. 23 of 2002 on Child Protection, 2016; Law

No. 23 of 2004 on the Elimination of Domestic Violence, 2004; Law No. 35 of 2014 Amending Law No. 23 of 2002 on Child Protection, 2014) Recent implementing regulations adopted in 2024 and 2025 further strengthen training, UPTD PPA, inter-agency coordination, monitoring, and victim financial assistance. (Government Regulation No. 27 of 2024 on Coordination and Monitoring of the Prevention and Handling of Victims of Sexual Violence Crimes, 2024; Government Regulation No. 29 of 2025 on the Victim Assistance Fund for Sexual Violence Crimes, 2025; Presidential Regulation No. 9 of 2024 on Education and Training for the Prevention and Handling of Sexual Violence Crimes, 2024; Presidential Regulation No. 55 of 2024 on Regional Technical Implementation Units for the Protection of Women and Children, 2024)

The principal challenge is therefore no longer accurately described as a simple absence of law. It is a problem of legal-system design and implementation: overlapping sectoral mandates, uneven local capacity, barriers to reporting and remedies, an insufficiently preventive orientation, fragmented data, and limited visibility of institutional failure. Official reporting by Komnas Perempuan and KPAI demonstrates the continuing scale and complexity of the protection burden, while also reminding researchers to distinguish administrative reporting data from population prevalence. (Komisi Nasional Anti Kekerasan terhadap Perempuan (Komnas Perempuan), 2025; Komisi Perlindungan Anak Indonesia (KPAI), 2024)

A substantive *rechtsstaat* requires more than formally valid protective statutes. It requires an institutional structure in which rights are predictable, accessible, preventive where possible, sensitive to intersecting vulnerabilities, and backed by remedies and public accountability. The proposed reformulation therefore rests on four pillars: integrated protection governance; prevention-centered and digitally responsive measures; vulnerability- and intersectionality-sensitive procedures; and measurable state accountability. This approach preserves the substantial legislative achievements already made while directing reform toward the point at which legal protection succeeds or fails in practice: the interaction between norms, institutions, and the people those institutions are constitutionally required to protect.

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