



Legal Framework on Ensuring Children's Protection from Forced Marriage as a Type of Sexual Violence.

Aria Zurnetti^{1*}, Farras Audia Raihany²

^{1,2}Faculty of Law, Andalas University, Padang, Indonesia

ariazurnetti@law.unand.ac.id

Abstract. *Sexual violence poses a significant threat to societal peace and harmony, with children, unfortunately, being among the most vulnerable targets. According to a report by SIMFONI-PPA, there were 1,993 reported cases of violence against children in the first half of 2024 alone. Legislation in Indonesia, including the recent Law Number 12 of 2022 on Criminal Acts of Sexual Violence (TPKS Law), seeks to address this issue by providing legal protection for child victims. One crucial aspect of this law is its recognition of "Forced Marriage" as a form of sexual violence, encompassing practices such as child marriages, culturally mandated unions, and coerced marriages between rape victims and their perpetrators. This research aims to explore two main issues: firstly, the evolution of regulations about the legal safeguarding of children affected by sexual violence (TPKS), and secondly, the mechanisms of legal protection for children as victims of forced marriages. The study employs a juridical normative legal research methodology with descriptive features, drawing on secondary and primary data sources to illuminate the subject matter. By shedding light on the legal landscape surrounding these issues, the research aims to contribute to the on-going efforts to combat sexual violence and safeguard the rights of vulnerable children in Indonesia.*

Keywords: *Sexual violence, Forced marriage, Child victims, TPKS Law, Legal protection.*

1. Introduction

Children are the future hope of families, communities, and nations. Their development must be monitored and protected as they are valuable assets for national growth.¹ However, children face limitations in protecting themselves, making them vulnerable to exploitation, sexual violence, and forced marriage, which often stems from cultural traditions and economic factors. Forced marriage is a marriage that is based on one's own will or is based on insistence and/or pressure from parents or other parties who have the right to force a marriage to take place.²

In Indonesia itself, the practice of forced marriage is closely related to patriarchal culture and its practice is very normative, meaning that it is still common in society that a person's choice of partner is determined by the family. The belief in choosing a partner based on the family's choice is based on various factors, one of the most common being

¹ Journal Articles: Achmad Fathur Rozi & Muh. Jufri Ahmad. (2023). "Anak Menjadi Korban Eksploitasi (Perkawinan Paksa) Oleh Orang Tua". *Jurnal Evidence of Law*, 2 (3), p. 183. doi: <https://doi.org/10.59066/jel.v2i3.418>

² Muhammad Ali. (2006). *Kamus Besar Bahasa Indonesia Modern*. Jakarta: Pustaka Amani, p. 33.

economic factors.³ In Indonesia, forced marriage violates both national and international legal provisions, such as the Human Rights Law and CEDAW.

Forced marriage is a deviation and violence against children and is classified as an act that violates moral and ethical norms. Forced marriage opens the way for various forms of violations of children's human rights because it begins by violating the concept of respecting children's right to freedom in making choices. The true choice of where to marry and with whom is closely related to self-determination which has been recognized in several major international instruments as a fundamental human right.⁴ Thus, everyone has the right to marry anyone of their own choice and is free from pressure and coercion.

Apart from that, forced marriage can also be an opening for discrimination against other vulnerable groups, namely women. Forced marriage is classified as gender-based violence. The National Commission on Women states that violence against women is an act that can cause or tends to cause physical, sexual and psychological misery and suffering, both for adult women, girls and teenagers.⁵ Even when applying customary sanctions, the penalties imposed on women are twice as severe as those that men receive when they violate the tradition of forced marriage.⁶ This is very clearly detrimental to women both physically and mentally.

The rise in forced marriages has prompted efforts to criminalize the practice, particularly with the passage of the TPKS Law in 2022, which aims to protect children and women from sexual violence, including forced marriage.⁷ The law seeks to create a safe environment for children's development so they can contribute to the nation's progress. Where the TPKS Law also regulates the criminalization of parties involved in forced marriage which is specifically regulated in Article 10. The presence of the TPKS Law is expected to provide direction and guidance in resolving cases of sexual violence to protect women and children in Indonesia, especially from forced marriage. The author plans to explore the legal protection mechanisms for children who are victims of forced marriage under the TPKS Law.

2. Methodology

According to Soerjono Soekanto, legal research is a scientific activity that studies legal phenomena using specific methods.⁸ In legal research, normative and empirical methods are common. This paper uses a normative legal research method, which examines laws as norms guiding societal behaviour.⁹ The research involves various approaches: legislative, historical, and comparative. The legislative approach analyses relevant laws to assess their compatibility with legal protection norms. The historical approach examines the evolution of legal regulations, while the comparative approach compares legal systems to find the best model for protecting children from forced marriage.¹⁰ The research primarily uses secondary data, including legal materials and journals, gathered through document studies.

³ Journal Articles: Muhammad Agil Al Hadif. (2023). "Nikah Paksa dalam Perspektif Hak Asasi Manusia: Dampak Negatif dan Konsekuensinya". *Jurnal Socia Logica*, 3 (4), p. 2. doi: <https://doi.org/10.572349/socialogica.v3i4.1314>

⁴ Journal Articles: Sabrina Hidayat, et. al. (2023). "Kebijakan Hukum Pidana Pemaksanaan Perkawinan yang Baru Diketahui setelah Perkawinan Terjadi". *Halu Oleo Legal Research*, 5 (2), p. 563. doi: <https://doi.org/10.33772/holresch.v5i2.267>

⁵ Journal Articles: Junavi Leonardo F.M, Debby T. Antow, & Rudolf S. Mamengko. (2023). "Tindak Pidana Pemaksanaan Perkawinan menurut Undang-Undang Nomor 12 Tahun 2022". *Lex Crimen*, 12 (3), p. 3.

⁶ Justina Rostiawati & Siti Nurwati Khadjiah. (2013). *Kekerasan Terhadap Perempuan Berbasis Budaya: Pemaksanaan Perkawinan*. Jakarta: Komnas Perempuan, p. 2.

⁷ Nurhadi, *Kilas Balik 10 Tahun Perjalanan UU TPKS*. Available from: <https://nasional.tempo.co/read/1582527/kilas-balik-10-tahun-perjalanan-uu-tpks>. [Accessed: June 23, 2024]

⁸ Soerjono Soekanto. (1986). *Pengantar Penelitian Hukum*. Jakarta: UI Press, p. 43 sebagaimana dikutip oleh Sigit Sapto N., Anik Tri Haryanti, & Farkhani. (2020). *Metodologi Riset Hukum*. Sukoharjo: Oase Pustaka, p. 8.

⁹ Muhaimin. (2020). *Metode Penelitian Hukum*. Mataram: Mataram University Press, p. 29.

¹⁰ Peter Mahmud Marzuki. (2005). *Penelitian Hukum*. Jakarta: Fajar Interpretama Offset, p. 169.

3. Findings and Discussions

3.1 Forced Marriage as a type of Crime of Sexual Violence (TPKS)

Marriage is both a social and legal institution that formalizes the bond between two people as husband and wife, usually recognized by law, religion, and society. It typically involves ceremonies that establish various rights and obligations for the couple. Key goals of marriage include forming a family, reproduction, economic cooperation, and emotional support. Definitions of marriage vary across legal and social texts. For example, Black's Law Dictionary defines marriage as "the legal union of a couple as spouses,"¹¹ while Encyclopaedia Britannica describes it as "a legally and socially sanctioned union regulated by laws, customs, and beliefs."¹² In Indonesian law, the 1974 Marriage Law defines marriage as a "physical and spiritual bond between a man and a woman aiming to form a happy and eternal family based on belief in God."

However, not all marriages are consensual. In Indonesia, forced marriage remains prevalent in regions like Madura and Sumba. In Madura, forced marriage is often linked to early marriage, with the practice rooted in preventing "delinquent" behavior among young girls. Parents, often with the support of religious figures (kyai), arrange these marriages, leaving girls without the option to refuse, and many are forced to leave school. Fraud is also common, with girls' ages being altered to meet legal marriage requirements.¹³ In Sumba, the tradition of "marriage capture," where a man from a wealthy family would symbolically capture a bride, has evolved into a practice that now resembles abduction. This modern form of the tradition undermines women's rights and disrespects the cultural values of Sumba.¹⁴

Forced marriage is defined as one carried out under coercion or pressure from parents or others with authority. It may involve forced sexual relations or pressure to marry someone chosen by the family.¹⁵ From a juridical perspective, the definition of forced marriage can be found in the provisions of the TPKS Law which explains that forced marriage is an act of abusing power through violence, threats of violence, deception, or other psychological pressure which results in a person being unable to give true consent to marriage.

So, the elements that must be met to be said to have been a forced marriage are abuse of power; or there is violence, threats of violence, deception, or other psychological pressure; and result in someone not being able to give proper consent to marriage.¹⁶ Based on the academic text drafting the TPKS Law, it can be seen that forced marriage is a type of sexual violence because forced sexual relations are an inseparable part of a marriage that the woman does not want. This includes child marriage.¹⁷ Indonesian law, particularly the 2022 Law on the Crime of Sexual Violence (UU TPKS), classifies forced marriage as a form of sexual violence, punishable by up to 9 years in prison and/or a fine of IDR 200

¹¹ Bryan A. Garner. (2004). *Black's Law Dictionary 8th-Edition*, p. 3084.

¹² Britannica, *Definition of Marriage*. Available from: <https://www.britannica.com/topic/marriage>. [Accessed: June 30, 2024]

¹³ Document of Nations Institution: Komisi Nasional Anti Kekerasan terhadap Perempuan (Komnas Perempuan). (2015). "Kekerasan Terhadap Perempuan Berbasis Budaya: Perkawinan Paksa". *Pemetaan, Kajian, & Prosiding 13 Maret 2015*, p. 14-15. Accessed on: <https://komnasperempuan.go.id/download-file/84>.

¹⁴ Journal Articles: Naomi Familia, et. al. (2023). "Analisis Pengaruh Tradisi Kawin Tangkap Di Sumba Terhadap Hak Asasi Perempuan". *UNES Law Review*, 6 (1), p. 2549. doi: <https://doi.org/10.31933/unesrev.v6i1.1023>

¹⁵ Journal Articles: Mohsi. (2020). "Analisis Perkawinan Paksa sebagai Tindak Pidana Kekerasan Seksual dalam Rancangan Undang-Undang Penghapusan Kekerasan Seksual". *Jurnal Al-Adalah: Jurnal Hukum dan Politik Islam*, 5 (1), p. 3. doi: <https://doi.org/10.35673/ajmp.v5i1.578>

¹⁶ Sabrina Hidayat, et. al., *Op. Cit.*, p. 566.

¹⁷ Legal Document of Nations Institution: Dewan Perwakilan Rakyat Republik Indonesia. (2021). "Naskah Akademik Rancangan Undang-Undang Republik Indonesia tentang Tindak Pidana Kekerasan Seksual". *Badan Legislati*, p. 47. [Accessed on: <https://berkas.dpr.go.id/akd/dokumen/BALEG-RJ-20211228-103440-3347.pdf&ved=2ahUKEwjXmby41YOHAXU3yzgGHQ7TAVoQFnOECBYQAQ&usq=AOvVaw2raPaeFOPn5Aupk6PSbhWg>]

million. Referring to Article 10 Paragraph (2) of the TPKS Law, forced marriage can take different forms, including child marriage, cultural-based forced marriage, and marriages between victims and their rapists. Legal provisions from the Criminal Code (KUHP) also address coercion, with fines and imprisonment imposed on perpetrators. This coercion referred to in Article 335 paragraph (1) of the Criminal Code is not limited to forced marriage. The article reads:

“Threatened with a maximum imprisonment of one year or a maximum fine of IDR 4,500:

- (1) Any person who unlawfully forces another person to do, not do or allow something, by using violence, any other action or unpleasant treatment, or by using threats of violence, any other action or unpleasant treatment, whether against the person himself or herself or other people.”

Furthermore, based on Supreme Court Regulation Number 2 of 2012, the amount of the fine that will be imposed on the perpetrator has been adjusted to become IDR 4,500,000 (four million five hundred thousand rupiah). Then, as a common and inseparable matter, cases of forced marriage involving physical violence as a threat to accept the offer of marriage can also be subject to a maximum prison sentence of 9 (nine) years in accordance with Article 332 paragraph (1) of the Criminal Code.¹⁸

3.2 The Mechanism of Ensuring Legal Protection Towards Children as Victims of Forced Marriage

Protection can be understood as the act of safeguarding, where its primary function is to shield those who are vulnerable. It is the state’s duty to ensure the protection of its citizens, as outlined in Article 28I paragraph (4) of the 1945 Constitution of Indonesia, which states that the protection, promotion, enforcement, and fulfillment of human rights are the responsibility of the state, particularly the government. Furthermore, protection is recognized as a basic human right under Article 28G paragraph (1) of the same Constitution, which asserts that every individual has the right to protection for themselves, their family, dignity, and property, and the right to security from threats and fear.

In a legal context, Article 1 number 8 of Law Number 31 of 2014, which amends Law Number 13 of 2006 on Witness and Victim Protection (PSK Law), defines protection as any effort to fulfill rights and provide security for witnesses and/or victims, executed by the Witness and Victim Protection Agency (LPSK) or other relevant institutions.¹⁹ Therefore, legal protection refers to the safeguarding of human rights that are violated by others, ensuring that individuals can fully enjoy the rights granted to them by law.²⁰

According to C.S.T. Kansil, legal protection encompasses various legal measures that law enforcement must take to ensure both mental and physical security from threats and interference.²¹ Linguistically, protection involves three common elements: protective action, the parties providing protection, and the methods of protection. Consequently, the act of protecting is aimed at specific individuals or groups using particular methods.²² Legal protection for crime victims is a critical issue within Indonesia’s criminal justice system, as victims are often in vulnerable positions and in need of sufficient protection from the state. The Witness and Victim Protection Law (PSK Law) and the establishment of the LPSK were designed to address this need.

¹⁸ Journal Articles: Nabila Maharani. (2024). “Pelaksanaan Kawin Paksa Sebagai Tuntutan Adat Dalam Perspektif Hukum Positif Dan Hak Asasi Manusia”. *TARUNALAW: Journal of Law and Syariah*, 2 (1), p. 30. doi: <https://doi.org/10.54298/tarunalaw.v2i01.168>

¹⁹ Article 1 number 8 Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims (LN 293 of 2014, TLN. 5620)

²⁰ Aria Zurnetti & Efen Nova. (2022). *Hukum Perlindungan Anak dan Perempuan (Perlindungan Hukum Terhadap Perempuan dan Anak Korban Tindak Pidana Kekerasan)*. Padang: Andalas University Press, p. 1.

²¹ C.S.T. Kansil. (1989). *Pengantar Ilmu Hukum dan Tata Hukum Indonesia*. Jakarta: Balai Pustaka, p. 102.

²² Wahyu Sasongko. (2007). *Ketentuan-Ketentuan Pokok Hukum Perlindungan Konsumen*. Bandar Lampung: Universitas Lampung, p. 30.

Child protection, as mandated by the state, ensures the safeguarding of the next generation who will carry the nation's ideals forward. Article 1 number 2 of the Child Protection Law defines child protection as efforts to guarantee and protect children's rights so they can live, grow, develop, and participate optimally, in line with human dignity, and be protected from violence and discrimination. Child protection is a form of justice in society and must be pursued in various areas of life. However, protection should not stifle initiative, creativity, or independence in children.

Child protection is categorized into two types: legal (juridical) protection, which includes public and civil law, and non-legal protection, covering social, health, and educational aspects. The goal of child protection is to ensure that children's rights are respected, allowing them to grow and thrive as honorable, moral, and prosperous individuals. Children, as a vulnerable group, require special attention and protection, and many regulations, both national and international, have been enacted to ensure this.²³

Several legal frameworks address the protection of children's rights, including:

1. The United Nations Convention on the Rights of the Child (UNCRC), which sets global standards for children's welfare, protection, and participation.
2. The Criminal Procedure Code (KUHAP), which offers limited protection for victims within the judicial process.
3. Law Number 39 of 1999 on Human Rights, which implicitly includes victims and witnesses in its provisions.
4. Law Number 26 of 2000 on Human Rights Courts, which provides for physical and mental protection for victims of serious human rights violations.
5. Law Number 23 of 2002 (amended by Law Number 35 of 2014) on Child Protection, which ensures the safety of children from various forms of violence, exploitation, and discrimination.
6. Law Number 23 of 2004 on the Elimination of Domestic Violence (PKDRT Law), which provides protection for victims of domestic violence, including children.
7. Law Number 13 of 2006 (amended by Law Number 31 of 2014) on Witness and Victim Protection (PSK Law), which establishes the legal framework for protecting witnesses and victims, including provisions for physical security, medical assistance, legal aid, and compensation.

In conclusion, both the Indonesian Constitution and several national and international legal frameworks emphasize the state's responsibility to protect its citizens, particularly vulnerable groups such as children, witnesses, and victims, ensuring that their rights are upheld and their well-being safeguarded.

Considering the various national and international legal instruments that guarantee children's rights and legal protection, it is essential for the government and state institutions to actively implement these laws, especially in cases where children are victims of forced marriage, a recognized form of sexual violence. As per Article 10 of the 2022 Law on Crimes of Sexual Violence (TPKS Law), forced marriage is categorized as a sexual crime and violates ethical and legal norms, particularly when involving children.

Indonesian law, as outlined in Article 7 of Law No. 16 of 2019 on Marriage, sets the minimum marriage age at 19 for both men and women. Thus, individuals under 18 are still considered children and are not legally eligible for marriage. Additionally, per Article 1320 of the Indonesian Civil Code, any marital bond must be based on mutual consent; without it, the marriage can be annulled according to Article 27 of the Marriage Law. Forced marriages, especially those targeting children, can lead to harmful consequences for the individual, society, and the nation's future. Therefore, a collective effort is required to protect children from such practices, involving both society and the state.

²³ Maidin Gultom. (2006). *Perlindungan Hukum terhadap Anak dalam Sistem Peradilan Pidana Anak di Indonesia*. Bandung: Refika Aditama, p. 33.

Legal protection for children who are victims of sexual violence, such as forced marriage, aims to empower them to seek justice and inspire others to do the same.²⁴ This protection plays a crucial role in maintaining societal balance. Philipus M. Hadjon highlights that legal protection is divided into preventive (to prevent conflicts) and repressive (to resolve conflicts) measures.²⁵ Rena Yulia, in her work on victimology, discusses two models of legal protection: the Procedural Rights Model, which involves victims directly in the justice process, and the Services Model, which focuses on compensating and supporting victims.²⁶

In the context of forced child marriage, the government can optimize both preventive and repressive legal protections. Preventive measures include educating parents and society about the dangers of forced marriage, tightening marriage requirements, and increasing the role of the Regional Technical Implementation Unit for the Protection of Women and Children (UPTD PPA). These efforts aim to address the root causes of forced marriage, ensure that all marriages meet legal age requirements, and provide the necessary support to protect children from such practices.

The implementation of repressive legal protection ensures the safeguarding of children and appropriate handling of forced marriage as a criminal act of sexual violence. This protection comes into effect when a violation, such as child forced marriage, occurs. Existing legal provisions aimed at protecting child victims have laid a strong foundation for government action. With the passage of the TPKS Law, which includes criminalization of forced marriage, the legal framework is further clarified. Article 65 (2) of the TPKS Law specifies that witness and victim protection is governed by the PSK Law, creating a legal framework for justice in cases of sexual violence.²⁷

According to Rena Yulia's legal protection model, Indonesia combines the procedural rights and service rights models for protecting victims and witnesses. The procedural rights model ensures law enforcement guarantees victims' and witnesses' rights during judicial processes. The service rights model provides mechanisms for health services, assistance, compensation, redress, and restitution for victims.²⁸

Victim protection is addressed in Articles 42 to 45 of the TPKS Law. Article 42 allows the police to provide temporary protection to anyone reporting a sexual violence crime within 24 hours of the report, for a maximum of 14 days. The police can restrict the perpetrator's movements to keep them away from the victim. Article 43 requires the police to request further protection from LPSK within 24 hours of granting temporary protection. Article 44 allows cooperation between the Police, LPSK, and UPTD PPA to provide protection.

The TPKS Law includes various provisions to ensure the protection of victims of sexual violence, including the fulfillment of their rights. This protection is integral to the law and includes specific measures to support victims, such as accessible rights and state-funded services. The law organizes victim support into a multidisciplinary, coordinated, and ongoing process for handling, protecting, and recovering victims. Victims' rights under the TPKS Law are categorized into three main areas:

²⁴ Journal Articles: Aria Zurnetti, *et al.* (2024). "Model Perlindungan Hukum Terhadap Perempuan dan Anak Korban Tindak Pidana Kekerasan Melalui Pedoman Kejaksaan No. 1 Tahun 2021 tentang Akses Keadilan Bagi Perempuan dan Anak dalam Penanganan Perkara Pidana". *Nagari Law Review*, 7 (3), p. 536. doi: [10.25077/nalrev.v7.i.3.p.527-543.2024](https://doi.org/10.25077/nalrev.v7.i.3.p.527-543.2024)

²⁵ Philipus M. Hadjon. (1987). *Perlindungan Hukum Bagi Rakyat Indonesia*. Surabaya: PT. Bina Ilmu, Surabaya, p. 29.

²⁶ Journal Articles: Novura Erdatimulia, *et al.* (2022). "Viktimologi Model pengaturan Perlindungan Hukum Pidana Bullying di Lingkungan Sekolah". *Indonesia Journal of Law and Social-Political Governance*, 2 (1), p. 295-296. doi: <https://doi.org/10.53363/bureau.v2i1.120>

²⁷ Sabrina Hidayat, *et al.*, *Op. Cit.*, p. 569.

²⁸ Hukum Online, *Model Perlindungan Saksi dan Korban Tergantung Anggota LPSK*. Available from: <https://www.hukumonline.com/berita/a/model-perlindungan-saksi-dan-korban-tergantung-anggota-lpsk-ho117767/>. [Accessed: June 30, 2024]

1. **Rights of Handling:** According to Article 1 number 17 of the TPKS Law, handling encompasses actions like providing complaint services, health services, social rehabilitation, law enforcement, legal services, repatriation, and social reintegration. Article 68 specifies the rights related to handling, including:
 - Access to information about the handling, protection, and recovery processes.
 - Receipt of documents on handling results.
 - Access to legal services.
 - Psychological support.
 - Health services, including medical examinations and treatment.
 - Services tailored to the victim's special needs.
 - Removal of sexually explicit content from electronic media in sexual violence cases.
2. **Rights of Protection:** Article 1 number 18 defines protection as efforts to ensure security for witnesses and victims, carried out by LPSK or other relevant institutions. The scope of protection includes:
 - Information about protection rights and facilities.
 - Access to information about protection implementation.
 - Safeguards against threats or violence from perpetrators and others.
 - Confidentiality of identity.
 - Protection from demeaning behavior by law enforcement.
 - Protection from job loss, educational disruption, or other negative impacts.
 - Immunity from criminal or civil suits related to reported sexual violence.
3. **Right to Recovery:** Article 1 number 19 describes recovery as efforts to restore the victim's physical, mental, spiritual, and social well-being. Recovery rights include:
 - Medical and psychological rehabilitation.
 - Social empowerment.
 - Restitution and/or compensation.
 - Social reintegration.

During and after the trial, recovery services include health care, psychological support, information about victims' rights and judicial processes, legal assistance, accessibility accommodations, and support for temporary living needs. After the trial, services extend to regular health monitoring, community support, assistance with restitution, and social security services.

For children affected by forced marriage, Indonesian legislation provides specific procedural laws under the TPKS Law. Key provisions include:

1. Article 21: Defines the qualifications for law enforcement handling sexual violence cases, emphasizing the need for integrity, competence, and relevant training.
2. Article 22: Guides law enforcement on handling cases with respect and without causing additional trauma to victims.
3. Article 23: Ensures that sexual violence cases are not resolved outside the judicial process, except for cases involving child perpetrators.
4. Article 24: Details the types of evidence allowed in trials of sexual violence cases, including electronic information and items related to the crime.
5. Article 25: States that witness and victim testimonies, especially from those with disabilities, hold equal legal weight as other evidence if supported by at least one additional valid piece of evidence.

Additionally, Articles 59 and 63 require that victim identities remain confidential during court proceedings and that recovery considerations are factored into judicial decisions. Article 64 ensures that victim protection remains a priority throughout the decision implementation process.

4. Conclusions

Forced marriage occurs when one or both parties are coerced by family or guardians, often involving child marriage, which violates ethical, national, and international laws. It has harmful effects on individuals and society. Under Law Number 12 of 2022 on Sexual Crimes, forced marriage is classified as a form of sexual violence, with penalties of up to nine years in prison and fines up to IDR 200 million. The law covers child marriage, cultural forced marriages, and marriages between victims and rapists. Legal protection for victims includes preventive measures such as educating parents, tightening marriage requirements, and enhancing the role of the UPTD PPA. Repressive protection ensures victims' rights during judicial processes. The TPKS Law, in Articles 42-45, provides temporary protection, involving the police and LPSK, and outlines the legal procedures and safeguards for victims and witnesses, including protection of their identities during trials.

References

- [1] Achmad Fathur Rozi & Muh. Jufri Ahmad. (2023). "Anak Menjadi Korban Eksploitasi (Perkawinan Paksa) Oleh Orang Tua". *Jurnal Evidence of Law*, 2 (3). doi: <https://doi.org/10.59066/jel.v2i3.418>
- [2] Aria Zurnetti & Efen Nova. (2022). *Hukum Perlindungan Anak dan Perempuan (Perlindungan Hukum Terhadap Perempuan dan Anak Korban Tindak Pidana Kekerasan)*. Padang: Andalas University Press.
- [3] Aria Zurnetti, et. al. (2024). "Model Perlindungan Hukum Terhadap Perempuan dan Anak Korban Tindak Pidana Kekerasan Melalui Pedoman Kejaksaan No. 1 Tahun 2021 tentang Akses Keadilan Bagi Perempuan dan Anak dalam Penanganan Perkara Pidana". *Nagari Law Review*, 7 (3). doi: [10.25077/nalrev.v.7.i.3.p.527-543.2024](https://doi.org/10.25077/nalrev.v.7.i.3.p.527-543.2024)
- [4] Britannica, *Definition of Marriage*. Available from: <https://www.britannica.com/topic/marriage>. [Accessed: June 30, 2024]
- [5] Bryan A. Garner. (2004). *Black's Law Dictionary 8th-Edition*.
- [6] C.S.T. Kansil. (1989). *Pengantar Ilmu Hukum dan Tata Hukum Indonesia*. Jakarta: Balai Pustaka.
- [7] Document of Nations Institution: Komisi Nasional Anti Kekerasan terhadap Perempuan (Komnas Perempuan). (2015). "Kekerasan Terhadap Perempuan Berbasis Budaya: Perkawinan Paksa". *Pemetaan, Kajian, & Prosiding 13 Maret 2015*. Accessed on: <https://komnasperempuan.go.id/download-file/84>.
- [8] Hukum Online, *Model Perlindungan Saksi dan Korban Tergantung Anggota LPSK*. Available from: <https://www.hukumonline.com/berita/a/model-perlindungan-saksi-dan-korban-tergantung-anggota-lpsk-ho117767/>. [Accessed: June 30, 2024]
- [9] Junavi Leonardo F.M, Debby T. Antow, & Rudolf S. Mamengko. (2023). "Tindak Pidana Pemaksaan Perkawinan menurut Undang-Undang Nomor 12 Tahun 2022". *Lex Crimen*, 12 (3).
- [10] Justina Rostiawati & Siti Nurwati Khadijah. (2013). *Kekerasan Terhadap Perempuan Berbasis Budaya: Pemaksaan Perkawinan*. Jakarta: Komnas Perempuan.
- [11] Law Number 12 of 2022 concerning Crime of Sexual Violence (LN 120 of 2022, TLN. 6792)
- [12] Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims (LN 293 of 2014, TLN. 5620)
- [13] Legal Document of Nations Institution: Dewan Perwakilan Rakyat Republik Indonesia. (2021). "Naskah Akademik Rancangan Undang-Undang Republik Indonesia tentang Tindak Pidana Kekerasan Seksual". *Badan Legislasi*. [Accessed on: <https://berkas.dpr.go.id/akd/dokumen/BALEG-RJ-20211228-103440-3347.pdf&ved=2ahUKEwjXmby41YOHAXU3yzgGHQ7TAVoQFnoECBYQAO&usq=AAovVaw2raPaeFOPn5Aupk6PSbhWg>]

- [14] Maidin Gultom. (2006). *Perlindungan Hukum terhadap Anak dalam Sistem Peradilan Pidana Anak di Indonesia*. Bandung: Refika Aditama.
- [15] Mohsi. (2020). "Analisis Perkawinan Paksa sebagai Tindak Pidana Kekerasan Seksual dalam Rancangan Undang-Undang Penghapusan Kekerasan Seksual". *Jurnal Al-Adalah: Jurnal Hukum dan Politik Islam*, 5 (1). doi: <https://doi.org/10.35673/ajmpi.v5i1.578>
- [16] Muhaimin. (2020). *Metode Penelitian Hukum*. Mataram: Mataram University Press.
- [17] Muhammad Agil Al Hadif. (2023). "Nikah Paksa dalam Perspektif Hak Asasi Manusia: Dampak Negatif dan Konsekuensinya". *Jurnal Socia Logica*, 3 (4). doi: <https://doi.org/10.572349/socialogica.v3i4.1314>
- [18] Muhammad Ali. (2006). *Kamus Besar Bahasa Indonesia Modern*. Jakarta: Pustaka Amani.
- [19] Nabila Maharani. (2024). "Pelaksanaan Kawin Paksa Sebagai Tuntutan Adat Dalam Perspektif Hukum Positif Dan Hak Asasi Manusia". *TARUNALAW: Journal of Law and Syariah*, 2 (1). doi: <https://doi.org/10.54298/tarunalaw.v2i01.168>
- [20] Naomi Femilia, et. al. (2023). "Analisis Pengaruh Tradisi Kawin Tangkap Di Sumba Terhadap Hak Asasi Perempuan". *UNES Law Review*, 6 (1). doi: <https://doi.org/10.31933/unesrev.v6i1.1023>
- [21] Novura Erdatimulia, et. al. (2022). "Viktimologi Model pengaturan Perlindungan Hukum Pidana Bullying di Lingkungan Sekolah". *Indonesia Journal of Law and Social-Political Governance*, 2 (1). doi: <https://doi.org/10.53363/bureau.v2i1.120>
- [22] Nurhadi, *Kilas Balik 10 Tahun Perjalanan UU TPKS*. Available from: <https://nasional.tempo.co/read/1582527/kilas-balik-10-tahun-perjalanan-uu-tpks>. [Accessed: June 23, 2024]
- [23] Peter Mahmud Marzuki. (2005). *Penelitian Hukum*. Jakarta: Fajar Interpratama Offset.
- [24] Philipus M. Hadjon. (1987). *Perlindungan Hukum Bagi Rakyat Indonesia*. Surabaya: PT. Bina Ilmu, Surabaya, p. 29.
- [25] Sabrina Hidayat, et. al. (2023). "Kebijakan Hukum Pidana Pemaksaan Perkawinan yang Baru Diketahui setelah Perkawinan Terjadi". *Halu Oleo Legal Research*, 5 (2). doi: <https://doi.org/10.33772/holresch.v5i2.267>
- [26] Sigit Sapto N., Anik Tri Haryanti, & Farkhani. (2020). *Metodologi Riset Hukum*. Sukoharjo: Oase Pustaka.
- [27] Wahyu Sasongko. (2007). *Ketentuan-Ketentuan Pokok Hukum Perlindungan Konsumen*. Bandar Lampung: Universitas Lampung.

Open Access This chapter is licensed under the terms of the Creative Commons Attribution-NonCommercial 4.0 International License (<http://creativecommons.org/licenses/by-nc/4.0/>), which permits any noncommercial use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons license and indicate if changes were made.

The images or other third party material in this chapter are included in the chapter's Creative Commons license, unless indicated otherwise in a credit line to the material. If material is not included in the chapter's Creative Commons license and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder.

