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# Legal Responsibility of Investigators of the Women and Children Protection Unit of Merauke Police Resort in the Investigation Process of Criminal Acts of Violence Against Children

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**Abstract**

This study aims to analyze the forms of legal responsibility borne by investigators of the Women and Children Protection Unit of the Merauke Police Resort in investigating criminal acts of violence against children, as well as the obstacles they encounter and the measures taken to overcome them. This study employs a normative-empirical legal research approach. Data were collected through a review of the unit's case records from 2023 through July 2026, personnel records, interviews with informants, observations, and a literature review. The data were analyzed qualitatively using a prescriptive approach. The first research question was examined using the theory of legal responsibility, while the second was examined using the theory of legal protection. The findings reveal, first, that investigators' legal responsibilities have not been fully fulfilled. Although 95 case files were declared complete (P-21), numerous cases remained unresolved for extended periods. Only 20.41% of physical violence cases were resolved, and seven cases involving sexual intercourse with a child were recorded as having been settled through alternative dispute resolution (ADR) or restorative justice (RJ), an approach that is legally permissible only under specific circumstances, including those involving offenders under 12 years of age. Most of these shortcomings cannot be attributed solely to assistant investigators but also fall within the responsibilities of officials authorized to appoint, train, and supervise investigators. Furthermore, the effectiveness of internal oversight mechanisms and associated sanctions has not been demonstrated. Second, the most significant obstacles concern law enforcement personnel, as all 11 personnel are assistant investigators who have not received specialized juvenile justice training, followed by legal and infrastructural constraints. These obstacles undermine both preventive and repressive legal protection for child victims.

## INTRODUCTION

Children represent the next generation of the nation, whose rights to survival, growth, development, and protection from violence and discrimination are constitutionally guaranteed (Daly et al., 2022; Li & Liang, 2026). The 1945 Constitution of the Republic of Indonesia recognizes children as legal subjects entitled to protection, thereby establishing the state as the primary duty bearer responsible for safeguarding their rights, particularly when they become victims of criminal acts.

Effective child protection depends on the proper functioning of law enforcement institutions. Soerjono Soekanto (2014) emphasized that the effectiveness of law enforcement is determined not merely by the comprehensiveness of legal regulations but also by the competence and performance of law enforcement officials. Accordingly, the effectiveness of legal protection for child victims is initially tested during the investigation stage of the criminal justice process, particularly through investigations conducted by the Indonesian National Police (Kepolisian Negara Republik Indonesia, Polri).

Violence against children has become a widespread and increasingly complex structural problem, encompassing physical, psychological, and sexual violence, as well as neglect (Flor et al., 2025; Ligiero et al., 2024; Moyo et al., 2025). Perpetrators frequently originate from the victims' immediate social environments, including family members and individuals known to the victims. Law No. 12 of 2022 concerning Sexual Violence Crimes (Tindak Pidana Kekerasan Seksual, TPKS) and Law No. 1 of 2023 concerning the Criminal Code (Kitab Undang-Undang Hukum Pidana, KUHP) provide legal provisions addressing various forms of violence, including offenses involving children (Aditya et al., 2024; Safitri et al., 2023).

At the national level, the 2024 National Survey on Children's and Adolescents' Life Experiences (Survei Nasional Pengalaman Hidup Anak dan Remaja, SNPHAR) indicates that approximately one in two children aged 13–17 years (50.78%) has experienced violence, while 33.64% experienced violence within the preceding 12 months. Nevertheless, reporting rates to the relevant authorities remain relatively low, partly because unreported victims continue to experience secondary victimization outside the criminal justice system (Munir & Siregar, 2024). The Indonesian Child Protection Commission (Komisi Perlindungan Anak Indonesia, KPAI) recorded 2,057 complaints throughout 2024, with sexual, physical, and psychological violence constituting major categories. Identified challenges include law enforcement officers' limited understanding of the TPKS Law, the use of informal settlements outside established legal procedures, and inadequate institutional resources and support personnel, particularly in disadvantaged, frontier, and outermost regions (tertinggal, terdepan, dan terluar, 3T) (Agani et al., 2026; Rasyid et al., 2026).

In Papua, these challenges are further intensified by institutional limitations, extensive geographical distances, sociocultural diversity, and inconsistencies in victim records resulting from duplicate reporting across institutions. Merauke Regency, located in South Papua Province, covers approximately 46,791.63 $km^2$ and comprises 20 districts and 160 villages, including remote settlements and areas bordering Papua New Guinea. With children aged 0–14 years accounting for approximately 28.3% of the population, the need for effective child protection mechanisms is particularly urgent. These geographical conditions affect the capacity of investigators assigned to the Women and Children Protection Unit (Unit Perlindungan Perempuan dan Anak, PPA Unit) to access crime scenes, reach victims and witnesses, and coordinate with relevant experts in remote areas. Such challenges are illustrated by cases involving sexual intercourse with children disclosed by the Merauke Police Resort in July 2024, including

cases involving victims aged 4–16 years in Ulilin District.

From a normative perspective (das Sollen), the PPA Unit was established under Regulation of the Chief of the Indonesian National Police No. 10 of 2007 (Peraturan Kepala Kepolisian Negara Republik Indonesia, Perkap), with its institutional framework subsequently addressed through Indonesian National Police Regulation No. 2 of 2021 (Peraturan Kepolisian Negara Republik Indonesia, Perpol). The unit is responsible for providing services and protection and conducting investigations involving women and children, particularly those who are victims of criminal offenses (Pradeva et al., 2026; Rahmawati et al., 2023). Investigators assigned to the PPA Unit bear multiple dimensions of legal responsibility, including procedural responsibility under the Criminal Procedure Code (Kitab Undang-Undang Hukum Acara Pidana, KUHAP) and applicable police investigation regulations; substantive responsibility concerning the fulfillment of child victims' rights and the principle of the best interests of the child under the Juvenile Criminal Justice System Law (Sistem Peradilan Pidana Anak, SPPA) (Muliani et al., 2023); and professional and ethical responsibility under the Indonesian National Police Professional Code of Ethics (Ramon et al., 2024). These responsibilities are consistent with international standards established by the United Nations concerning the dignified treatment, protection, and participation of child victims and witnesses in criminal justice proceedings.

However, empirical conditions (das Sein) reveal a substantial discrepancy between these normative obligations and actual investigative practices. Limited numbers of trained personnel, inadequate child-friendly examination facilities, challenging geographical conditions, restricted access to specialized experts, and the influence of customary dispute resolution mechanisms may hinder the effective fulfillment of investigators' legal responsibilities. These circumstances indicate a potential gap between the legal standards governing investigations and their practical implementation, particularly in cases involving child victims of violence.

This discrepancy has become increasingly significant following fundamental changes in Indonesia's criminal law and criminal procedure framework. Law No. 20 of 2025 concerning the Criminal Procedure Code entered into force on January 2, 2026, replacing Law No. 8 of 1981 and introducing changes to procedural arrangements, investigative authority, and mechanisms for assessing and referring vulnerable individuals. Transitional provisions must also be considered when determining the procedural rules applicable to investigations initiated before the new law entered into force. Concurrently, Law No. 1 of 2023 concerning the Criminal Code and Law No. 1 of 2026 concerning Criminal Law Adjustments form part of the revised substantive criminal law framework. These overlapping legislative developments place PPA Unit investigators within a transitional legal environment that requires institutional adaptation, procedural consistency, and a clear understanding of their professional responsibilities. Consequently, examining investigators' legal accountability within this evolving regulatory framework has become increasingly important.

Previous studies by Nooryono and Laksana (2025) and Puspitasari and Suwondo (2024) examined several related issues, including police intelligence authority in

addressing inter-ethnic conflicts in Merauke and police responsibilities in investigating narcotics crimes committed by children. Although these studies provide valuable insights into law enforcement responsibilities and the protection of vulnerable groups, they have not specifically addressed the integrated dimensions of investigators' legal responsibilities in handling violence against children within the jurisdiction of the Merauke Police Resort. Accordingly, the novelty of the present research lies in four principal aspects: (1) its comprehensive and integrated examination of investigators' legal responsibilities across procedural, substantive, ethical, supervisory, and accountability dimensions; (2) its consideration of the evolving criminal law and criminal procedure framework following the enactment of Law No. 20 of 2025, Law No. 1 of 2023, and Law No. 1 of 2026; (3) its specific emphasis on children as victims of criminal offenses rather than as offenders; and (4) its geographical and institutional focus on the Merauke Police Resort in South Papua, a setting that remains insufficiently examined in the existing literature.

Based on these considerations, this study addresses two principal research questions: What forms of legal responsibility are borne by investigators of the Women and Children Protection Unit of the Merauke Police Resort during investigations into criminal acts of violence against children? What obstacles do these investigators encounter, and what measures can be implemented to overcome them? Accordingly, this study aims to examine investigators' legal responsibilities across procedural, substantive, professional-ethical, supervisory, and accountability dimensions, while identifying the principal obstacles affecting investigative practices and evaluating potential measures to address them. Theoretically, this research contributes to the development of criminal law scholarship, particularly concerning investigators' legal accountability and the protection of child victims, while enriching empirical legal studies conducted in regions characterized by distinctive geographical and sociocultural conditions. Practically, the findings are expected to provide evidence-based recommendations for the Indonesian National Police, particularly the Merauke Police Resort and the South Papua Regional Police, concerning institutional capacity building, specialized investigator training, improved supervision, and the provision of child-sensitive investigative facilities in remote areas. Furthermore, the study may serve as an academic reference for future research on criminal investigations and child protection within geographically challenging jurisdictions.

## RESEARCH METHODS

### Research Type

This study employed a normative-empirical legal research approach to examine the legal responsibilities of investigators assigned to the Women and Children Protection Unit of the Merauke Police Resort. The normative approach involved examining relevant laws and regulations governing investigators' legal responsibilities, while the empirical approach focused on assessing the implementation of these responsibilities in investigative practices.

This approach was selected to identify discrepancies between applicable legal

provisions and their implementation. The normative analysis provided the legal framework for evaluating investigators' responsibilities, while the empirical analysis examined practical obstacles, including limited human resources, inadequate infrastructure, geographical constraints, and sociocultural factors. By integrating both approaches, the study assessed the extent to which investigators fulfilled their legal obligations and identified factors affecting the effectiveness of investigations into criminal acts of violence against children

## Research Location

This research was carried out in the jurisdiction of the Merauke Resort Police, Merauke Regency, South Papua Province, with a focus on the Women and Children Protection Unit of the Merauke Resort Police Criminal Investigation Unit. The selection of the location was based on several considerations. First, Merauke Regency is the district with the largest population and the largest area in South Papua Province, with a high proportion of the child population. Second, cases of violence against children are recorded in this area that are actually handled by the Merauke Resort Police. Third, the geographical characteristics of the area are very large with many remote districts and directly adjacent to Papua New Guinea make this location relevant to test the implementation of the legal responsibilities of investigators in limited conditions. To complete the data, the study also reached out to related agencies in Merauke Regency, including the agency that organizes the protection of women and children and their regional technical implementation units.

## Research Informant

This study does not attract samples to be generalized statistically. Field information was obtained from purposively selected informants, namely people who really know, experience, or are directly involved in the investigation of cases of violence against children in the jurisdiction of the Merauke Resort Police. The informants of this study consist of the Head of the Criminal Investigation Unit of the Merauke Resort Police (1 person), the Acting Head of the Women and Children Protection Unit of the Merauke Resort Police Criminal Investigation Unit (1 person), assistant investigators at the Women and Child Protection Unit of the Merauke Resort Police (4 people), officials carrying out the supervisory functions of investigators/Wassidik of the Merauke Resort Police (1 person), and child victim companions from the Women's Empowerment and Child Protection Office of Merauke Regency (1 person), so that the total number of informants is eight. Because all personnel of the Women and Children Protection Unit have the status of assistant investigators, information about the role of investigators in this unit's case was dug up from the Head of the Criminal Investigation Unit and the investigating supervisory officials.

## Data Types and Sources

Primary data is data obtained directly from the first source at the research site. The primary data of this study consists of informant information obtained through interviews, the results of observations on the service facilities of the Women and Children Protection Unit, as well as unit documents, namely the recapitulation of case

data from 2023 to July 2026, personnel data, and data per case without identity containing the age and gender of the victim, the age of the perpetrator, the relationship between the perpetrator and the victim, the alleged article, and the form of case settlement.

Secondary data is data obtained through literature studies, consisting of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include the Constitution of the Republic of Indonesia in 1945, Law Number 20 of 2025 concerning the Criminal Procedure Code, Law Number 1 of 2023 concerning the Criminal Code, Law Number 1 of 2026 concerning Criminal Adjustment, Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, Law Number 35 of 2014 as amended last by Law Number 17 of 2016 concerning Child Protection, Law Number 11 of 2012 concerning the Child Criminal Justice System, Law Number 12 of 2022 concerning the Crime of Sexual Violence, government regulations and presidential regulations in the field of child protection, as well as police regulations regulating the Women and Children Protection Unit, criminal investigation, and the National Police professional code of ethics.

### Data Collection Techniques

Data collection is carried out through three complementary techniques. First, a study of documents on laws and regulations, official reports, and case handling documents, namely case data recapitulation, personnel data, data per case without identity, investigation warrants, notification of the progress of investigation results, minutes of examination of the victim's child, results of case titles, and victim recovery reference documents. Second, semi-structured interviews with informants based on interview guidelines, which remain open to deepening according to the development of answers; interviews are conducted after the informant expresses their willingness, and recording is only carried out with the consent of the informant. Third, direct observation of the service facilities of the Women and Children Protection Unit, including special service rooms, as well as coordination mechanisms with accompanying institutions.

The study of documents is the basis for normative studies and sources of case data, while interviews and observations are the main sources of information about investigation practices. Triangulation between the three is intended to maintain the validity of the data, so that the conclusions drawn truly reflect the circumstances at the research site.

### Data Analysis

Data is analyzed qualitatively by a prescriptive method, which is an analysis that does not stop at the description of facts, but assesses the conformity of facts with legal norms and formulates recommendations on the problems found. The analysis is carried out through four steps. First, legal materials are systematized into a norm map that combines criminal procedure law, material criminal law and its adjustments, child protection law as a lex specialis, as well as police regulations and professional codes of ethics. Second, data from documents, interviews, and observations are grouped according to the indicators that have been determined. Third, each indicator in Chapter IV is described in the same order: legal provisions first, then field data, then analysis,

and ending with a brief conclusion. Fourth, the analysis of the formulation of the first problem uses the theory of legal responsibility to test the obligation, implementation, subject, and sanction, while the analysis of the second problem formulation uses the theory of legal protection to assess the form of protection that is hampered and formulate preventive and repressive efforts.

The results of the analysis are presented narratively and systematically following the order of the problem formulation, so that the entire description leads to a conclusion about the form of legal responsibility of the investigators of the Women and Children Protection Unit of the Merauke Resort Police along with the obstacles and efforts to overcome them.

## RESULTS AND DISCUSSION

### Form of Legal Responsibility of Investigators of the Women and Child Protection Unit of the Merauke Resort Police in the Investigation Process of Crimes of Violence against Children

This sub-chapter answers the formulation of the first problem. Each indicator is described in the same order: (a) the legal provisions that are measured, (b) field data from documents, interviews, and observations, and (c) analysis with the theory of legal responsibility. The analysis tests four things derived from Hans Kelsen's theory (Kelsen, 2011): whether there is a legal obligation; whether the obligation is fulfilled or violated; who bears responsibility and on what basis the investigator for his own actions, his superiors or supervisors for his own negligence, or other parties collectively, based on fault or not; and what sanctions are available and whether they work.

#### 1. Procedural Dimensions

#### a. Legal Provisions

The procedural dimension stems from the obligation to carry out investigations according to the procedures of the law. Law Number 20 of 2025 concerning the Criminal Procedure Code establishes the authority of investigators and their limits (Article 7 paragraph (1)) and provides for the examination of objections in the district court to the actions of investigators, which can give rise to the right to compensation and rehabilitation (Article 15 jo. Articles 41 and 42). The standards for investigation administration, case title, and tiered supervision are regulated in Police Regulation Number 6 of 2019 concerning Criminal Investigation.

For children's cases, the Child Criminal Justice System Law adds special obligations: the victim's child and the witness's child are examined by an investigator determined by the decision of the National Police Chief or an appointed official, who has attended technical training in juvenile justice; the victim's child must be accompanied by a parent, trusted person, or social worker; his identity must be kept confidential; and investigators are required to request social reports from professional social workers or social welfare workers (Article 19 paragraph (1), Article 23 paragraph (2), Article 26 paragraph (1)-(3), Article 27 paragraph (3)). For cases of sexual violence, investigators must have attended training in handling TPKS cases; if

there is none, the case is handled by an experienced investigator based on the decision of the authorized official (Law No. 12/2022, Article 21 paragraph (1)-(3)). Organizationally, the PPA Unit is designed to have an investigating unit officer in charge of carrying out investigations, with services carried out in a special service room (Perkap No. 10/2007, Article 5, 6 paragraph (1), 8).

### b. Field Data

The document data provides three information: (1) 95 cases have been declared complete (P-21) by the public prosecutor (Table 4); (2) there is a cumulative difference of 81 cases between incoming and completed cases, 73 of which are from 2023-2025 without a single SP3; (3) this unit has no investigators or officers of the investigation unit. Eleven personnel have the status of assistant investigators, seven people do not have a determination SKEP, no one has participated in SPPA training, and only one person has participated in TPKS training (Table 8).

*[RESULTS OF INTERVIEWS AND DOCUMENT REVIEW Question No. 1-5 Appendix 4; informants I-1, I-2, I-3 to I-6; review of the investigation warrant and BAP of the victim's child (Appendix 1). Describ: who acted as an investigator and signed the file, the average length of time the case was completed, the cause of the protracted case, the number of P-19s, and the manner in which the victim's child was examined (space, companion, confidentiality of identity, social report, assessment). Include important quotes with footnotes: Interview with [informant code and position], [place], [date].]*

*[OBSERVATION RESULTS Write down the availability of a special service room, a separate waiting room, and a recording device in the PPA Unit based on the observation sheet.]*

### c. Analysis

The procedural dimension shows two different circumstances. In 95 cases where the files were declared complete, the procedural obligations were ultimately fulfilled according to the public prosecutor's assessment; no violations could be sanctioned in this group, although the quality of the files at an early stage could not be assessed without P-19 data.

A different situation can be seen in the settlement of cases and the requirements of investigators. The obligation to resolve cases is indicated to have not been fulfilled because the cumulative difference of 81 cases (73 from 2023-2025) was not recorded as completed or officially terminated. However, the procedural law does not set a deadline for completion and its legal consequences. According to Kelsen, obligations without sanctions clearly weaken legal responsibilities which is why cases can be opened for years without consequences. Similarly, this unit does not have a single personnel who meet the requirements of child investigators, and only one personnel has participated in TPKS training, so it continues to rely on exemption provisions to examine victims' children.

These shortcomings are not the fault of the individual assistant investigators, because the determination of investigators, the assignment of cases, and the sending

of personnel to training are in the hands of the leadership. According to the Kelsen distinction, the assistant investigator is only responsible for his own actions; the deficiency in determining and preparing the investigator, if proven to be negligence, becomes the individual responsibility of the authorized official, both at the police level and higher (the underlying obligations of the superior are described in point 4). Thus, the procedural dimension is fulfilled in the 95 files that are declared complete, but have not been fulfilled in the settlement of the case and the conditions for the examination of the victim's child by qualified investigators.

### 2. Substantive Dimension

#### a. Legal Provisions

The substantive dimension concerns the accuracy of the application of material criminal law and the fulfillment of the rights of the victim's child. Investigators work with three groups of norms in the Child Protection Law: sexual intercourse with children (Article 76D jo. 81), fornication against children (Article 76E jo. 82), and violence against children (Article 76C jo. 80). For cases of sexual violence, this provision also intersects with Law No. 12/2022 concerning TPKS, which expressly classifies sexual intercourse and molestation of children as TPKS (Article 4 paragraph (2) letter c), so that a prohibition on settlement outside the judicial process except for child offenders applies (Article 23). The new Criminal Procedure Code also excludes TPKS from settlements based on restorative justice (Articles 79, 80, 82).

Exceptions for child offenders do not apply unconditionally. Diversion can only be carried out for criminal acts that are threatened with imprisonment for less than seven years and not a repetition of the crime (SPPA Law, Article 7 paragraph (2) jo. Article 9), while intercourse with a child is threatened with imprisonment for a maximum of fifteen years, this condition remains valid even though it has been proposed to be reformulated. The diversion agreement must obtain a determination from the district court (Article 12 paragraph (2)-(3)). Children under the age of twelve are not processed through the courts; the investigator together with the community counselor and professional social worker decide to return him to his parents or include him in the education and coaching program (Article 21 paragraph (1)).

From 2 January 2026, the criminal threat in the Child Protection Law is read together with Law No. 1/2026 on Criminal Adjustment: the special minimum threat of five years in Articles 81 and 82 is removed, the threat of fines that were originally cumulative becomes an alternative cumulative, and the fine for the threat of imprisonment of more than eleven to fifteen years becomes at most category VII. At the same time, the principle of the best interests of the child remains the main consideration, and investigators are authorized to conduct assessments and seek facilities and referrals for the special needs of vulnerable groups (KUHAP, Article 7 paragraph (1) letter n).

#### b. Field Data

The document data provides three information: (1) 137 out of 186 cases (73.66%) were sexual violence against children; (2) 20.41% of cases of physical violence were resolved, far below the 69.34% of sexual violence resolved; (3) there

were seven cases of sexual intercourse against children resolved through ADR/RJ, five of which were consistent in all tables (Table 6). The document did not contain the age of the perpetrator or the alleged article; the age of the perpetrator (including in the ADR/RJ case) was presented in Table 7, while the article and the settlement process were explored through interviews.

*[RESULTS OF INTERVIEWS AND DOCUMENT REVIEW Question No. 6-9 Appendix 4; informants I-1, I-2, I-3 to I-6, I-8; review of case resume and SP2HP (Appendix 1). Describe for each ADR/RJ case: age of the perpetrator, the article, the parties involved, and whether or not there is a court determination. Also describe how the investigator wrote the articles and criminal threats since January 2, 2026, the reasons for the low resolution of physical violence cases, as well as the notification of restitution rights and SP2HP to the victim's family.]*

**c. Analysis**

The investigator's obligation in this dimension is clear: to apply the appropriate article, not to resolve cases of sexual violence against children outside the judicial process, and to resolve cases for the restoration of the rights of the victim's child. Regarding the accuracy of the article, P-21 in 95 cases shows that the public prosecutor accepts the construction of the article in the file, but this instruction is indirect. Whether the 24 cases in 2026 have used the new criminal threat reading can only be ascertained from the case resume and the investigator's statement.

The settlement of the case of sexual intercourse with a child through ADR/RJ is the most decisive point. Such a settlement can only be justified if the perpetrator is not yet twelve years old. If the perpetrator is an adult, the settlement clearly violates Article 23 of Law No. 12/2022. If the perpetrator is a child between the ages of twelve and not yet eighteen, the diversion route is closed because the criminal threat exceeds seven years. Because the decision not to proceed with the case is within the authority of the investigator and his superiors, such violations are the responsibility of the individual investigator and his superiors based on mistakes, and can be examined as a violation of the code of ethics in the form of acts in law enforcement that are not in accordance with laws and regulations. For the victim's child, the result is the loss of the opportunity to obtain recovery through the judicial process, including restitution, one of the secondary forms of victimization, namely additional suffering due to the response of the criminal justice system that does not have a victim's perspective.

The low resolution of physical violence cases also touches on substantive obligations, because the Child Protection Law does not distinguish the degree of protection based on the severity of the criminal threat, and the principle of the best interests for the child applies equally to every child victim (SPPA Law, Article 2). Three plausible explanations: the difference in the weight of the criminal threat (a maximum of three years and six months for physical violence without serious injury, compared to fifteen years for sexual intercourse and fornication); the difference in the ease of proof, because cases of sexual violence are generally supported by the results of a medical examination; and the possibility of revocation of the report if the perpetrator comes from his own family. This explanation makes the gap understandable, but does

not justify it. The gap is seen at the unit level for all similar cases, so the reason is more likely to lie in the way the unit prioritizes cases under the authority of the leadership rather than the negligence of certain investigators; this allegation needs to be tested with the information of the informant because the document does not contain data per investigator.

Thus, the substantive dimension has not been met. The final assessment of the settlement of sexual intercourse cases through ADR/RJ depends on the age of the perpetrator as presented in Table 7.

### 3. Ethical-Professional Dimension

#### a. Legal Provisions

Perpol No. 7 of 2022 concerning the Professional Code of Ethics and the Police Code of Ethics Commission requires each member to carry out their duties professionally, proportionately, and procedurally, respecting human dignity and dignity, and prohibiting the neglect of the interests of the whistleblower (Article 5 paragraph (1) letter c, Article 7 letter a, Article 10 paragraph (2) letter a).

#### b. Field Data

The unit's documents do not contain records of complaints or code of ethics checks. The case data only provides two indirect clues: the gap in completion between cases of sexual violence (69.34%) and physical violence (20.41%), as well as the difference of 81 cases that were not recorded as completed or officially terminated.

*[INTERVIEW RESULTS Question No. 10-11 Appendix 4; informants I-1, I-7, I-8. Describe whether there are complaints from the public or the victim's family to the PPA Unit investigator in 2023-2026 and its handling, and the assessment of the victim's companion about the investigator's attitude when receiving the report and examining the victim's child.]*

#### c. Analysis

Ethical responsibility can only be imposed if there are acts that are proven to violate ethical obligations and sanctions are available. The gap in completion and protracted cases raise questions about the proportionality of the treatment and the seriousness of following up on the report, but it has not been proven that there is a violation of the difference that can be derived from a legitimate cause, such as difficulty of proof or the absence of witnesses. Therefore, the assessment of this dimension relies on the information of the informant and the record of handling complaints. Based on the document data, there is no basis to declare an ethical violation by the PPA Unit investigator.

*[ADJUST After the results of interview No. 10-11 are included, update the last sentence of the above paragraph according to the findings.]*

### 4. Supervision Mechanism

#### a. Legal Provisions

Supervision of investigations works on two layers. The internal layer includes tiered supervision by superiors, case titles, and the implementation of the investigation supervision function (Perkap No. 6/2019). The code of ethics also requires each superior to ensure the quality of subordinate performance, follow up on

task obstacles reported by subordinates according to their authority, and direct, supervise, and control the implementation of their subordinates' duties (Perpol No. 7/2022, Article 6 paragraph (1) letters a, b, d). The external layer is carried out by the public prosecutor through the notification of the commencement of the investigation and research of the file until it is declared complete, as well as by the court through the examination of objections (Criminal Code, Article 15 jo. 41-42).

### b. Field Data

The external layer left a measurable trace: 95 files were declared complete (P-21) by the public prosecutor. The internal layer has not been depicted, the unit documents do not contain records of case titles or follow-up of investigators, the difference of 81 cases is not recorded as completed or terminated with SP3, and seven out of eleven personnel do not have SKEP.

*[RESULTS OF INTERVIEWS AND DOCUMENT REVIEW Question No. 12-14 Appendix 4; informants I-1, I-2, I-7; review of minutes/minutes of case titles (Appendix 1). Describe the frequency of case titles, how to monitor protracted cases, follow-up of investigator supervisors, and the reasons why seven personnel do not have SKEP.]*

### c. Analysis

The inequality between these two layers is in line with the theory of legal responsibility. The obligation of the investigator is better maintained when there is an external supervisor whose decision has direct legal consequences, such as the P-19 directive which must be fulfilled before the file is received. On the other hand, the area that is only guarded by internal supervision of the settlement of old cases and the determination of personnel does not show a record of follow-up in the unit document. The obligation to supervise is attached to the supervisor and the supervisory function. According to the Kelsen distinction, if the supervisory negligence is proven, the responsibility is the individual responsibility of the officials for their own negligence, not the responsibility of the supervised assistant investigator, and the channel of sanction is the examination of the code of ethics. Thus, the supervisory mechanism works at the external layer, but has not been described as working at the internal layer.

## 5. Accountability Mechanism

### a. Legal Provisions

The investigative accountability channel is multi-layered: examination of violations of the code of ethics by the National Police Code of Ethics Commission with sanctions up to dismissal (Perpol No. 7/2022); criminal liability if the investigator's actions meet the formulation of criminal acts; and compensation and rehabilitation through the examination of objections in the district court (Criminal Code, Article 15 jo. 41-42).

### b. Field Data

The unit document does not contain information about complaints, code of ethics checks, disciplinary sanctions, or objections related to PPA Unit cases.

*[RESULTS OF INTERVIEWS AND DOCUMENTS Question No. 15 Appendix 4; informants I-1 and I-7, plus data from the Merauke Police Propam Section on*

*complaints and code of ethics hearings in 2023-2026.]*

### c. Analysis

According to Kelsen, legal responsibility becomes real when sanctions can be imposed for breach of duty. Sanctions channels for investigators are available normatively, but they do not appear to have ever worked, although the absence of records does not mean the absence of events. Two previous findings are the test points of this mechanism: the settlement of cases of sexual intercourse against children through ADR/RJ, which opens up ethical liability if the perpetrator is not a child under the age of twelve, and protracted cases, which opens up a complaint space for the complainant. As long as the channel has not been tested, the principle *of geen bevoegdheid zonder responsheid* is only fulfilled on paper. Thus, the accountability mechanism is normatively available, but has not been tested in practice.

## 6. Summary of Analysis of the First Problem Formulation

**Table 1.** Summary of Analysis of Investigators' Legal Responsibilities on Five Indicators

| Indicator | Field Data | Analysis of Legal Liability Theory | Rating |
|---|---|---|---|
| **Procedural dimensions** | 95 P-21 cases; a cumulative difference of 81 cases (73 from 2023-2025) without SP3; a unit without an investigator; no personnel participating in SPPA training; only 1 TPKS trained personnel | The procedural obligations are fulfilled in 95 complete files; the completion of the case and the examination by the qualified investigators have not been met; it is not the fault of the assistant investigator, but the responsibility of the authorized officials; sanctions for weak delay | Partially fulfilled |
| **Substantive dimension** | 7 cases of sexual intercourse through ADR/RJ; completion of physical violence 20.41% | The settlement of sexual violence outside the court is only valid if the perpetrator is not yet 12 years old; otherwise, the obligation is violated and becomes the responsibility of the individual investigator and his superiors based on the fault | Not yet fulfilled; waiting for the age data of the perpetrator |
| **Ethical-professional dimension** | No record of complaints; Gap in completion between types of cases | There are hints of proportionality issues, but no violations have been proven and can be sanctioned | Not yet conclusive |
| **Supervision mechanism** | Public prosecutor control running; no record of case titles; 7 out of 11 personnel without SKEP | External supervision has legal consequences; internal supervision leaves no trace; if negligent, the individual responsibility of the supervisor and supervisor | External working; internal not yet drawn |
| **Accountability mechanism** | No record of complaints, ethics hearings, or objections | Sanctions channels are available normatively, but have not been tested | Untested |

*Source: processed from research data and analysis by the author.*

Based on this description, the legal responsibility of the investigators of the Women and Children Protection Unit of the Merauke Resort Police in the investigation of crimes of violence against children has not been fully realized. Procedural obligations are fulfilled in 95 files that are declared complete, but not in the completion of cases and investigator requirements. Substantive obligations have not been fulfilled

in cases of physical violence and in the settlement of cases of sexual violence outside the judicial process. Supervision works at the external layer, while the accountability mechanism has not been tested. Viewed from the theory of legal responsibility, most of these shortcomings are not the fault of the individual assistant investigators, but the individual responsibility of the officials who are authorized to determine, train, and supervise the investigators, while the settlement of sexual violence cases outside the judicial process has the potential to be the responsibility of individual investigators and their superiors based on mistakes.

## Obstacles Faced by Investigators of the Women and Children Protection Unit of the Merauke Resort Police and Efforts to Overcome Them

This sub-chapter answers the formulation of the second problem with the theory of legal protection. The sources of obstacles are mapped with five law enforcement factors according to Soerjono Soekanto, namely legal factors, law enforcement factors, facilities and facilities factors, community factors, and cultural factors. Each factor is described in order of (a) legal provisions, (b) field data, and (c) analysis. The analysis examines which forms of legal protection are hampered, namely preventive protection that prevents child victims from being harmed again during the process, or repressive protection that resolves violations and restores the rights of victims' children.

### 1. Legal Factors

#### a. Legal Provisions

Since January 2, 2026, Law No. 20/2025 concerning the Criminal Code, Law No. 1/2023 concerning the Criminal Code, and Law No. 1/2026 concerning Criminal Adjustment have been in effect simultaneously. Cases whose investigations began before that date are still resolved based on the old law. The procedural law does not set a deadline for the completion of investigations and their legal consequences.

#### b. Field Data

Part of the difference of 73 cases until the end of 2025 is likely to be ongoing in 2026 and must be resolved under the old procedural law, while 24 cases entered during January-July 2026 are handled under the new procedural law. The same investigator works with two procedural law regimes at once.
*[INTERVIEW RESULTS Question No. 16 Appendix 4; informants I-1, I-2, I-3–I-6: socialization/techniques of the new Criminal Code, the new Criminal Code, and the Criminal Adjustment Law, as well as the difficulties of the transitional period.]*

#### c. Analysis

The absence of a time limit weakens repressive protection, because the victim's child does not get certainty when the case will be completed and there are no legal consequences for delays. The transition period increases the risk of misapplying procedural law or misreading criminal threats, which also weakens repressive protection. On the other hand, the new procedural law strengthens preventive protection through assessment and referral authority for vulnerable groups, although the benefits depend on the readiness of investigators. Thus, legal factors mainly weaken repressive protection.

### 2. Law Enforcement Factors

#### a. Legal Provisions

The procedural law places the authority of investigation in the investigator, with the National Police investigator as the main investigator. The examination of the child victim's case is carried out by a designated investigator who has participated in technical training in juvenile justice; if there is no qualified investigator, the task is carried out by the adult case investigator. For sexual violence cases, the training requirements as described in sub-chapter B number 1 also apply.

#### b. Field Data

Table 1 shows that this unit has no investigators. All eleven personnel have the status of assistant investigators, and the position of unit head is held by the acting officer with the rank of non-commissioned officer. None of them have attended training in the juvenile criminal justice system, PPA specialty education, or investigator certification. Only one person has attended TPKS training, and seven have not had a determination SKEP. Eight of the eleven personnel are female police officers. *[INTERVIEW RESULTS Question No. 1 & 17 Appendix 4; informants I-1, I-2, I-3–I-6: how the unit bridges the absence of investigators, division of labor, case load per personnel, and most needed training.]*

#### c. Analysis

This factor is the most obvious obstacle to both forms of protection because the data is the most complete and directly related to the requirements of the law. Preventive protection is hampered because the unit does not have personnel who meet the requirements of a child investigator, and only one personnel is trained to handle sexual violence, even though the law requires the victim's child to be examined by a trained investigator. The exception provisions in the SPPA Law and the TPKS Law are designed as temporary circumstances, not permanent circumstances in units that are specifically dedicated to handling child cases.

Repressive protection is also hampered. Cases of physical violence lag far behind sexual violence cases (Table 5) perhaps because units with limited personnel and without investigators concentrate their efforts on cases with the most serious criminal threats; this allegation needs to be tested with informant statements. The absence of investigators also raises formal vulnerability, as acts of coercion and file administration can be questioned if the role of investigators is not properly documented. The composition of female police is a preventive capital, but it has not been supported by institutional competence. Thus, law enforcement factors weaken preventive and repressive protection at the same time.

### 3. Facilities and Facilities Factors

#### a. Legal Provisions

PPA Unit services are carried out in special service rooms, and victims' children are entitled to quick handling, psychosocial assistance, as well as protection and assistance in every judicial process.

#### b. Field Data

The jurisdiction of 46,791.63 $km^2$ with twenty districts and one hundred and sixty

villages makes transportation and investigation costs decisive factors. The availability of special service rooms, recording devices, separate waiting rooms, and access to psychologists and forensic doctors is not recorded in the unit documents.

*[RESULTS OF OBSERVATION AND INTERVIEW Question No. 18 Appendix 4; informants I-2, I-3–I-6; observation sheet: condition of special service rooms, equipment, vehicles, travel budget to the district, as well as access to psychologists and forensic doctors.]*

**c. Analysis**

Distance and cost hinder repressive protection, especially in cases in distant districts and villages, because witnesses are difficult to present and crime scenes are difficult to reach. If special service rooms and experts are not available, preventive protection is also hampered because the risk of secondary victimization during the examination increases. Thus, the facility factor weakens repressive protection, and also preventive if observation results show that space and experts are not available.

**4. Community Factors**

**a. Legal Provisions**

The investigation begins with reports or complaints received by investigators. Therefore, the willingness of the community and the victim's family to report and continue the case determines whether legal protection can be carried out.

**b. Field Data**

Child neglect cases were zero for four years, amid the high rate of violence against children nationwide. The document did not record the retraction of the report or the relationship between the perpetrator and the victim. The allegation that the low resolution of physical violence cases is related to the family's reluctance to continue the case, especially if the perpetrator is close to the child, is tested through interviews and Table 7.

*[INTERVIEW RESULTS Question No. 19 Appendix 4; informants I-3–I-6 and I-8: how often reports are retracted or witnesses are absent, and why.]*

**c. Analysis**

Low reporting weakens preventive protection because unreported violence tends to recur. Retraction of reports and absenteeism weaken repressive protections because cases stop before the rights of the victim's child are restored. Thus, community factors have the potential to weaken both forms of protection, but the magnitude of the influence of these factors can only be assessed after an interview.

**5. Cultural Factors**

**a. Legal Provisions**

TPKS cases cannot be resolved outside the judicial process, except for child perpetrators according to the law. Thus, TPKS against children is basically closed to settlements outside the judicial process, including customary or family settlements.

**b. Field Data**

Ten cases were resolved outside the judicial process, seven of which were cases of sexual intercourse with children. The document does not explain the process or the parties involved, so this data is not enough to conclude that there is an influence on the settlement of customs.

*[INTERVIEW RESULTS Question No. 20 Appendix 4; informants I-1, I-3–I-6, I-8: the presence or absence of customary/familial settlement pressure and the attitude of the investigator.]*

### c. Analysis

If settlements outside the judicial process occur due to customary or familial encouragement, repressive protection for child victims of sexual violence is not realized, because the perpetrator is not held criminally responsible and the victim's child loses the path to restitution. This factor needs to be traced carefully so as not to become a judgment that judges the local community. The influence of cultural factors cannot be ascertained from the document data and depends on the results of interviews.

## 6. Efforts to Overcome Obstacles

### a. Efforts Made

Case data shows improvements: the settlement rate increased from 46.43% (2024) to 70.00% (2025), the difference in cases shrank from 30 to 12 cases, and all cases resolved in 2026 reached P-21. Some of the improvements can be explained by the reduction in incoming cases; efforts that contribute to this improvement need to be ascertained from the informant's statements.

*[INTERVIEW RESULTS Question No. 21 & 22 Appendix 4; informants I-1, I-2, I-8: efforts that have been made since 2024 (training, SOP, case titles, additional personnel) and coordination with DP3A/UPTD PPA.]*

### b. Effort Required

According to the theory of legal protection, efforts are sorted into two:

1) **Preventive** determination of child investigators and SKEP; sending personnel to SPPA training and TPKS training; providing special service spaces and access to companions, psychologists, and forensic doctors; implementation of assessments and referrals in accordance with the new procedural law.
2) **Repressive holding** periodic cases to officially settle/stop protracted cases; regulating the settlement of TPKS outside the judicial process to comply with Article 23 of Law No. 12/2022 and the SPPA Law; equal priority for cases of physical violence; technical instructions for the transitional period of procedural law and the reading of new criminal threats.

## 7. Summary of Analysis of the Second Problem Formulation

**Table 2.** Summary of Obstacles and Efforts by Form of Legal Protection

| Factors | Barriers | Inhibited Protection | Effort Required |
|---|---|---|---|
| **Law** | There is no deadline for completion; the transition of three new laws from Jan 2, 2026 | Repressive | Transition period and reading of new criminal threats; Periodic case holding for old cases |
| **Law enforcement** | There are no definitive investigators/unit officers; no SPPA training personnel; only 1 TPKS trained personnel; 7 out of 11 personnel without SKEP | Preventive & repressive | Determination of child investigators & SKEP; SPPA training and TPKS training |

| | | | |
|---|---|---|---|
| **Facilities and facilities** | Area 46,791.63 km$^2$; special service rooms & experts have not been documented | Preventive & repressive | Special service spaces; operational support to the district; access to psychologists & forensic doctors |
| **Society** | Low reporting; alleged revocation of reports on domestic violence | Preventive & repressive | Socialization of reporting & assistance for victims' families with DP3A |
| **Culture** | Settlement of sexual violence cases outside the judicial process | Repressive | Affirmation of the prohibition of Article 23 of the TPKS Law to investigators and community leaders |

*Source: processed from research data and analysis by the author.*

The most obvious obstacles in document data are sourced from law enforcement factors, then legal factors and facilities, while community and cultural factors still need to be emphasized with informant information. These obstacles weaken preventive and repressive protection. The improvement that has been seen is the increase in the case settlement rate since 2025. Efforts that are still needed are the determination and training of child investigators as well as child-friendly facilities, protracted case resolution, and ADR/RJ regulation.

## CONCLUSION

Based on the research findings, the legal responsibilities of investigators assigned to the Women and Children Protection Unit (Unit Perlindungan Perempuan dan Anak, PPA Unit) of the Merauke Police Resort had not been fully fulfilled. Although 95 case files had been declared complete (P-21), several investigations remained unresolved for extended periods, the case resolution rate for physical violence offenses remained low, and the unit lacked investigators who met the qualifications required to handle cases involving children. The principal obstacles included limited personnel, inadequate specialized training, unclear timelines for case resolution, and the extensive geographical jurisdiction. Therefore, the study recommended appointing and providing specialized training for qualified investigators, conducting regular case reviews, ensuring that alternative dispute resolution (ADR) and restorative justice (RJ) mechanisms were applied only in accordance with applicable legal provisions, improving child-friendly investigative facilities, and strengthening interagency coordination to support victim assistance, protection, and recovery.

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## AUTHOR'S CONTRIBUTION

All authors contributed to the preparation of this article. Fitriyah Ingratubun plays

a role in the conceptualization of the research, plays a role in data collection and analysis, plays a role in the interpretation of the results and the preparation of the manuscript, while the other author contributes to the review, editing, and final approval of the manuscript.

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The author states that no generative artificial intelligence was used in the preparation of this article.

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