

## **Examining Child Victims of Incest in Indonesia: Between the Legal System and Family Dysfunction**

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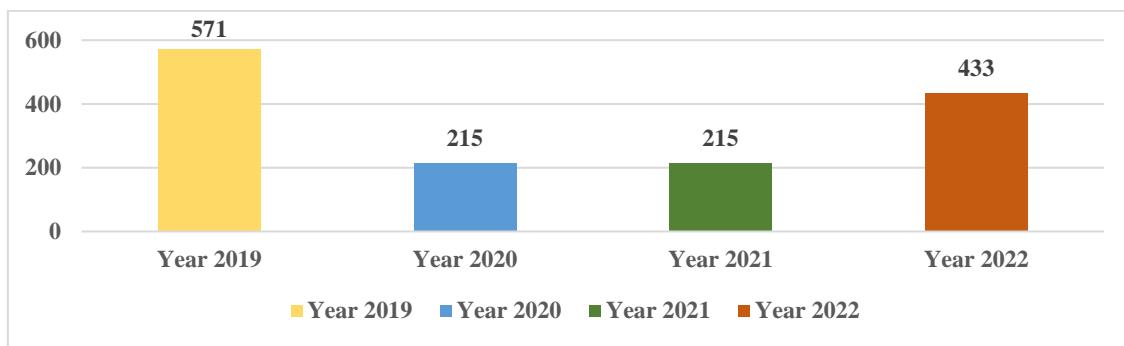
**Abstract:** This study aimed at examining the factors causing incest sexual abuse against children in the context of family dysfunction and the legal system. A qualitative approach was used in conducting this research with a case study method of five families who experienced incest violence. Data were collected through in-depth interviews, participatory observation, and the analysis of relevant documents. The research findings showed that family dysfunction, such as divorce and poverty, as well as a lack of understanding and application of moral and religious values, were the main factors causing incest. In addition, the implementation of the law, which was not yet effective, and the absence of comprehensive prevention efforts had worsened the situation. This study emphasizes the need for enforcement of the legal system, family understanding, and community culture to be better at preventing, helping, and ensuring legal certainty to protect the psychology and future of children from incest sexual violence.

**Keywords:** Child Victims of Incest; Legal System; Family Dysfunction.

### **Introduction**

Family as the first place of growth and development is no longer the safest place for the child victims of family violence. Various violence occurs to children in the domestic realm of the family, one of which is incest sexual violence. Sexual violence committed by parents (fathers) or their relatives (Lawson & Akay-Sullivan, 2020) is certainly very detrimental and causes prolonged trauma to children, depression, stress, physical health problems, difficulty maintaining social relationships and other impacts (Buchbinder & Sinay, 2020; Celbis et al., 2020; Putri et al., 2020; Syailendra, 2019; T. Quiajno et al., 2021). It has become a worldwide issue (Celbis et al., 2020; Sharangpani, 2018; Yates, 2017). In Indonesia, there were 1,210 incest cases based on the 2018 Catatan Tahunan (CATAHU) Komisi Nasional (Komnas) Perempuan (Herawati, 2022). This figure is the highest incest finding in Indonesia's history as well as contributing the most cases of child abuse. Since then, incest data has begun to be presented in detail and it has been found that biological fathers are the main perpetrators of incest. The National Commission on Violence Against Women (Komnas Perempuan in Indonesian) stated that Indonesia has an incest sex crime crisis (Nazar, 2022).

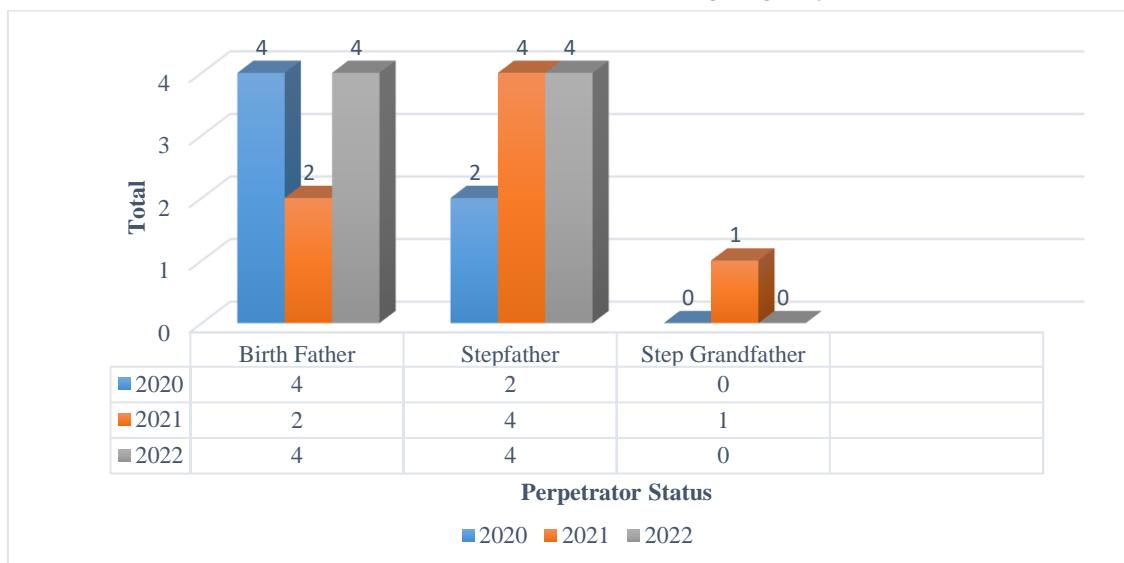
**Graphic 1.** Data on Incest Perpetrators in Indonesia



Source: Komnas Perempuan, 2019, 2020, 2021, 2022

Incest sexual violence has also shown increasing rates in Jombang district in the last three years. Perpetrators of incest sexual violence are biological fathers, stepfathers, and step-grandfathers (Agustina, 2019). The age of the perpetrators is mostly in the range of 29 years to 61 years. This age is a productive age or working age and the maturity of reproductive and sexual health (Baroroh, 2021).

Figure 1: Data on Incest Sexual Violence Cases in Jombang Regency for Three Years



Source: Compilation of Incest Case Data from WCC Harmoni, Dinas Sosial, Dinas Pengendalian Penduduk Pemberdayaan Perempuan Perlindungan Anak dan Perempuan Keluarga Berencana (DPKP4APKB) Kab Jombang, UPPA Kepolisian, Year 2022

Studies on incest sexual violence can be mapped into several perspectives. First, studies that specifically highlighted a psychological perspective, especially the psychological condition of child victims of incest (Akbas et al., 2016; AL-Ibraheem, 2018; N. Ali & Naz, 2017; Gqgabi & Smit, 2019; Lawson & Akay-Sullivan, 2020; Rakhmasari et al., 2021). Second, studies that highlighted the perspective of family conditions and perpetrators (McElvaney et al., 2022; Nurhidayah & Ligina, 2018; Pusch et al., 2021; Putri et al., 2020; Quiñones et al., 2020; Testoni et al., 2018). Third, studies which analyzed the legal perspective, especially in terms of criminal law, protection and legal implications for children (Djawas et al., 2022; Ghani et al., 2021; Herdiana et al., 2022; Kusnadi & Firmansyah, 2019; Logan, 2024; Nazar, 2022; Syailendra, 2019). In contrast to the previous studies, this study focused on the factors that cause incest to still occur today in Indonesia, especially in Jombang Regency, where there is a majority of devout Muslims amidst the supremacy of state law and existing culture. In addition, this study also highlighted the impact of incestuous sexual violence on the survival of children. Therefore, this issue is seen within the framework of legal system, family dysfunction, and community culture.

Examining the problems of sexual incest in children is very important considering that incest in children is not only related to sexual violence. Incest is a complex issue, especially regarding the impact on the psychology and future of children. Given that the child's survival is feared to be disrupted, even trauma due to sexual violence lasts a lifetime. This disruption results in children being unable to grow and develop normally (Amanda & Krisnani, 2019). This fact causes tremendous concern for the development of children's lives until adulthood (Kurniawan et al., 2019). This must involve a complex study, starting from the factors that cause incest, the impact on children, and most importantly how the legal system, family structure, and culture play a role in this matter. Despite the legal response to these cases, they continue to increase. Therefore, this study is important in analyzing and evaluating not only the condition of the child but also the legal, family, and cultural aspects of the community. This will contribute to the development of more effective policies and interventions to address the issue of incest sexual violence.

## Literature Review

### Incest Sexual Violence

Incestuous sexual violence is sexual violence perpetrated by family members that usually happens to girls (Murdiyanto & Gutomo, 2019). Psychologically, incest is often caused by personality disorders of the perpetrator, unresolved childhood trauma, or sexual dysfunction experienced by the perpetrator. Social factors, such as patriarchal cultural norms, undervaluation of women, and social environments that support or disguise incest. Economic factors such as poverty and unemployment can worsen the household situation, creating conditions that give rise to sexual violence. Unhealthy family dynamics, such as excessive control, lack of communication, and domestic violence, can also trigger incest (Kusnadi & Firmansyah, 2019).

The impact of incest on victims is numerous and profound. Psychologically, victims experience long-term trauma that can lead to mental health disorders such as depression (Akbas et al., 2016), anxiety, and PTSD (Post-Traumatic Stress Disorder) (Rakhmasari et al., 2021), even not only affecting individuals, incest also creates social stigma and discrimination for victims (Ghani et al., 2021). Victims of incest may experience difficulties in maintaining healthy social relationships (T. Quiajno et al., 2021). Incest victims may also experience physical health problems (Djawas et al., 2022). Therefore, psychological, legal, and social support is necessary to recover victims and prevent similar incidents in the future. Incest prevention also requires more attention which includes building community culture, family support, and strengthening the legal system (Celbis et al., 2020). In addition, proactive measures should be taken to reduce the risk of incest, such as public education campaigns on domestic violence and incest prevention (Eroglu et al., 2022).

### Legal Protection of Child Victims of Incest

Child sexual abuse is a serious problem that requires proper handling and protection from various perspectives, including legal aspects. Law No. 23/2002 on Child Protection is the main pillar in efforts to protect children's rights from all forms of violence, including incest and sexual violence. Article 1 paragraph (1) of the Law explicitly states that every individual who has not reached the age of 18 years old is considered a child and has rights that must be protected by the state and society (Syailendra, 2019). Likewise, according to the Quran and hadith of the Prophet Muhammad PBUH. The Quran, in Chapter An-Nisa verse 9, emphasizes the importance of fair and responsible treatment of orphans and the protection of their rights (Wibowo et al., 2022). In addition, the hadith of the Prophet Muhammad PBUH also emphasizes the importance of providing love and good education to children as the responsibility of parents in guiding and protecting them (Rizanizarli et al., 2023).

According to Law No. 23/2002, legal protection for child victims of incest in Indonesia includes several main aspects. First, law enforcement provides a mechanism to prosecute perpetrators of incest sexual violence and impose appropriate sanctions (Amanda & Krisnani, 2019). The juvenile justice system is often used to handle sexual violence cases involving children with a more sensitive approach to their needs (Nasution & Nasution, 2021). Second, psychosocial assistance includes emotional and psychological

support services such as counselling and therapy to help child victims of incest overcome their trauma (Miftahuddin et al., 2022). *Third*, the right to privacy and confidentiality that ensures the identity of children victims of incest is kept confidential during the legal process to protect them from discrimination and stigmatization (Kusnadi & Firmansyah, 2019). Likewise, in the view of Islamic law, legal protection for child victims of incest emphasizes the importance of justice, safety, and welfare of children as a top priority (Bahri et al., 2024).

## Method

This research used a descriptive qualitative method with a case study on a family affected by incest sexual violence. The data were obtained through interviews, observation, document review or audio-visual documents (Creswell, 2007). The research location in Jombang Regency, East Java Province was determined purposively by the research objectives. The reason for choosing the location was that the number of sexual violence cases was quite high in East Java Province and also NGOs that observed children and women's issues (WCC) played a role in assisting child victims of violence. The primary data were obtained by interviewing 5 (five) families of incest violence victims, who had the ability and willingness to inform the cases experienced by the family. Other informants included the government, the Women and Children Protection Unit (UPPA), and WCC Harmoni an organization that assisted. To fulfil the principle of data triangulation, researchers also traced information from institutions or agencies, and social workers. Other data collection techniques were observation and document review of agency reports and social institutions. The data from interviews and document reports were analyzed quantitatively and qualitatively, presented in the form of the five cases related to family background and relationships between parents and children, factors causing incest violence, and its impact on the survival of child victims of violence.

## Results

### Characteristics of Families Affected by Incest Sexual Violence

Families affected by incest violence in one district in East Java in 2022 had eight female victims whose perpetrators were biological fathers and stepfathers. This research revealed five families affected by incest cases. Some of these family cases revealed the characteristics of the family, the perpetrators, and victims of violence of a girl, the relationship between parents, and the relationship between children and parents.

**Table. 1** Characteristics of Families Affected by Incest Sexual Violence and Triggering Factors

Initials	Victims			Birth Mother			Perpetrator			Status	Triggering Factors
	Age	Educ	Age	Educ	Jobs	Age	Educ	Jobs			
Y	13	SMP	35	SMA	House wife	40	SMA	Private employed	Child	The child lives with the father because the mother has a new family	
Ai	13	SMP	39	MP	Bag tailor	38	SD	Un employed	Child	Alcohol intoxication	
A	16	SMP	38	SD	Scavengers	36	SD	Parking Attendant	Child	No separated rooms/uninhabitable houses	
W	11	SD	38	S1	Private employed	39	SMA	Self-employed	Stepchildren	The mother focuses on the newborn. The other child shares bedroom with the stepfather	

Ay	16	SMA	45	SMP	Migrant Worker	46	SMP	Workers	Stepchi ldren	Lives together with the child because the mother is a migrant worker
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**Source:** Interviews and Processed Research Data, 2022.

First, Victim Y (13 years old) is the second child of Mr. MH (39 years old) and Mrs. S (35 years old). The victim was still in grade 1 of junior high school. The father (perpetrator) works as a private employee, while the mother is a housewife. The victim's biological parents have divorced, after two years of divorce the victim's mother remarried and lives outside the district, while the victim's father has not remarried. The victim (Y) had been raped by her biological father several times from 2019-2021. The first incident was when the victim (Y) was in the 4th grade of elementary school, always accompanied by persuasion with the promise of buying a cell phone or food and the threat of not being paid for school. The day after the incident of incest the victim ran away from home, returning to her grandmother's house. The victim's mother became suspicious, because the victim looked sad, tended to be quiet and alone and often daydreamed. Eventually, the victim told her all about the incident. The mother tried to seek justice for her child because the extended family of the perpetrator/victim's father was against reporting the incident to the authorities. The perpetrator's family obstructed the reconstruction.

Second, the perpetrator committed incest three times to Ai (13 years old) who was still in grade 1 of junior high school. The first was in July 2020 at her grandmother's house, the second one was in December 2020 and the third (last) was in January 2021. The incest was committed by force through persuasion, threats, intimidation, and beating the victim. The perpetrator threatened to kill her mother if the victim told her about the incident. The relationship with her parents was emotionally less close, even disharmonious, which had an impact on the victim's lack of affection. Ai could not bear the pain and disgrace of telling her step sister and then telling her biological mother. The victim's mother immediately reported to the authorities, despite opposition from the perpetrator's family who was the village head. The perpetrator served a 15-year sentence. The victim's mother decided to divorce. The victim's mother and the perpetrator were in their second marriage and have four children. The perpetrator has a poor background, an ex-recidivist for being motorbike thief, alcoholic, drugs addict, and a snatcher. Ai's family is poor and lives in an uninhabitable house with a land area of 4x7 m<sup>2</sup>, dirt floor, bamboo walls and only one room with no door.

Third, Victim A (16 years old) is the first daughter of two siblings and has a younger sister (D) aged 14 years old. The siblings became victims of incestuous sexual violence from the biological father (H) aged 36 and mother (S) aged 38. The family condition is poor, the father works as a crossing road helper and the mother works as a person who seeks used goods. Parents' educational background were elementary school graduates. The father was tempered, the mother's victims experience physical violence by being hit and kicked when she made mistakes. The relationship between the child and father and between parents was not harmonious, there was a lack of communication, and quarrels often occurred. The condition of the house was not liveable, in the building of 3x5 m<sup>2</sup>, with rough cement floors and rough walls, only one bedroom without a door, and only using curtains. The room was also used as a kitchen, and next to the kitchen was a bed for the two girls. Girl A was sexually assaulted twice, the first incident occurred when she was in the 6th grade of elementary school. The victim kept silent and did not dare to tell anyone because she was threatened by her father. The second incident was when A was in grade 2 of junior high school. The second incident was known by the biological mother because it occurred at her house. The victim's mother reported to the authorities, the perpetrator received a sentence of 12 years. The victim's mother and family received pressure and threats from the father's family, and in the end, chose to divorce.

Fourth, Victim W, aged 11, is the only child of Mr and Mrs D's family experienced domestic problems and ended in divorce. At the time of the divorce, W was a child of 7 years old. After the divorce, Mrs. D remarried and had 2 sons, and W went with her biological mother. W's biological father was

remarried and has a child. The relationship between W and her biological father was well-established. W's stepfather is self-employed, while the mother has a bachelor's degree and works for a company. The family's economic condition is sufficient to fulfil the needs of three children. W's family residence is liveable with adequate division of space. The beginning of the incident of sexual violence/ rape experienced by W was after W's mother gave birth to her second child with the perpetrator. She was afraid if she did not obey her stepfather, she would experience physical violence like her mother. After several years of abuse and rape, this case came to light when W's mother borrowed her cell phone, W's mother felt that something was going on between W and her stepfather. W told her mother everything that happened to her, and eventually, the perpetrator was reported to the authorities and was awaiting a court decision.

Fifth, 16-year-old victim Ay was sexually assaulted by her stepfather. The family of mother D, age 45, experienced a divorce and mother D remarried father L. Ay is the third of three children, who has two older sisters. Ay's mother and father divorced and Ay came to live with her mother. Then the client's mother remarried the stepfather (perpetrator) in 2012. To fulfil the family's economy, Ay's mother decided to work in Malaysia as a migrant worker and has never returned home. Ay and her stepfather live in her stepfather's parents' house. Since Ay's mother left to work in Malaysia, Ay has only lived alone with her father. Communication via cell phone was quite frequent. Ay's relationship with her biological parents was not very close because her biological father lives out of town. Ay experienced sexual violence almost every week from 2019 to 2022. After the incident, Ay could only cry, was scared and could not do anything. The incident unfolded when the first sister living out of town was suspicious of her sister who looked gloomy during a video call. Ay's brother was very shocked and took Ay to the midwife with positive results of pregnancy. The victim Ay's brother and father reported the perpetrator to the local police, now just waiting for the court's decision.

### **Incest Sexual Violence Factors: Family Dysfunction and the Legal System**

The causes of perpetrators of sexual violence are related to various triggering factors and key factors. The factors that influence the occurrence of sexual violence against children are family factors, environmental factors, value factors, laws and individual factors (Setiani et al., 2017). From the findings of five cases of incest sexual violence, it was evident that the affected families were problematic, such as incomplete, divorced, and underprivileged families. The trigger factors were because the parents were divorced, then the mother had remarried and the child lived with the biological father; being alcoholic; and no separated rooms/uninhabitable house; the mother focused on the newborn child, thus the child shared room with the stepfather; living together with the child because the mother is a migrant worker. Several findings regarding causal factors showed that incest is influenced by organic substances such as alcohol, physical closeness, and forbidden emotions (Quiñones et al., 2020). These findings indicated that family functions were no longer working as they should. In other words, family dysfunction had occurred.

The main factor causing perpetrators to commit incestuous sexual violence was the low morals in their personalities. This lack of morality drives a person to commit acts that deviate from spiritual, social, and legal norms. A biological or stepfather would not commit the crime of incest against his child if he had strong self-control. According to Sigmund Freud's personality theory, humans have three elements of personality: Id, Ego, and Superego. The Id is the most basic and primitive element, controlling physical urges that appear in the form of mental actions. The Ego is in charge of balancing the Id's desires with physical reality and social norms imposed by the Superego (Helmy, 2019). Perpetrators of incest sexual violence according to Freud's theory of perpetrator's personality are more dominant in the Id element, like the basic phase or animal phase because other elements such as ego and superego elements do not become the basis for shaping one's personality in action.

On the other hand, incest violence continues because it is found that the existing legal system is not working. The legal system in question is explained based on Lawrence Friedman's theory, which identifies three main elements: legal substance, legal structure, and legal culture. Legal substance refers to the rules, norms and legal principles that govern society (Ahadi, 2022). In the context of incestuous violence against children, the substance of the law includes laws and regulations that criminalize acts of incest and protect

children (Manullang, 2022). In Indonesia, incest violence against children is regulated in Law No. 23 of 2002 on the Protection of Children, as amended by Law No. 35 of 2014 and the second amendment by Government Decree in lieu of Law No. 1 of 2016, which mandates collective control in the form of involvement of the state, government, local government, community, family, and parents or guardians in protecting children. The crime of incest is specifically regulated in Law No. 1 of 2023 on the Criminal Code article 418 which explains that the perpetrator of incest is sentenced to 12 years in prison. In the family sphere, there is also Law No. 23/2004 on the Elimination of Domestic Violence and Law No. 13/2006 on the Protection of Witnesses and Victims, but in reality, the handling of incest has obstacles, that this crime is difficult to reveal because of the stigma that a report will defame the family (Ariyanti & Supani, 2024; Kusnadi & Firmansyah, 2019).

Legal structure refers to the institutions and mechanisms that enforce the law such as courts, police, and other law enforcement agencies (Rahmaningsih & Rizqi, 2022). Weaknesses in the legal structure, such as lack of resources, inadequate training, and slow legal processes, are often the cause of failure in handling cases of incest violence against children. Likewise, legal culture includes the values, attitudes, and perceptions of the community towards the law. A legal culture that does not support fair and effective law enforcement is often a major cause of failure in addressing incest violence against children (Silbey, 2018). Aspects of legal culture such as social stigma, patriarchal norms, and lack of awareness can reinforce barriers to handling incest cases. For instance, social stigma against victims, patriarchal norms that assume men have power over women and children and a lack of understanding of children's rights can inhibit reporting and intervention in cases of incest violence.

### Impact of Incest Violence on Child Survival

Incest violence is an act of violation of children's rights that will affect the development and quality of life of children throughout their lives (Walker-Descartes et al., 2021). Children who are victims of incest violence experience physical, psychological, and social trauma. The impact for children who are victims of incest violence is disturbed or traumatized throughout their lives, this condition affects the survival of children (Elliott et al., 2020).

**Table. 2 Impact of Incest Violence on the Victim**

Victims	Relationship with the perpetrator	Impact of trauma			Stigmatization
		Betrayal	Powerless		
Y	Birth father	Disappointed, angry, why destroying	Daydreaming, depression, shutting down, suicide attempts	-	Ostracised by the community Blamed by the father's family Exiled outside the region
Ai	Birth father	Anger, resentment towards the perpetrator Why did you do it to me and not to others	Headaches, seizures, embarrassed, rarely coming home, socialising in the wrong places	-	Blamed by the perpetrator's family Becoming a delinquent child involved in promiscuity Do not want to continue school
A	Birth father	Disappointment and anger at the perpetrator	Withdrawing from the neighbourhood	-	The perpetrator's family blamed the victim's mother for reporting and did not believe the perpetrator committed the act
W	Stepfather	Damaging the future	Silence, resignation, not knowing what to do	-	Ostracised by society Bear the disgrace
Ay	Stepfather	Vengeful, and heartless towards his daughter	Silent, not knowing what to do after finding out she was pregnant	-	Not continuing school Distressed to be the subject of gossip

Source: Interview, 2022.

Based on this data, there are three impacts of incest violence on victims, such as psychological, physical, and social. First, the psychological impact on child victims of incest violence, including Post-traumatic stress disorder (PTSD) and revictimization in adulthood (Nurhidayah & Ligina, 2018). According to Finkelhor and Browne in Crosson-Tower (2005), the trauma of incest violence to victims is; (a) Betrayal, children usually have high trust in their parents, seeing fathers as role models and protectors who make them feel safe. However, in the five cases of incest violence that occurred, the victims felt betrayed by their biological or stepfather. (b) The child felt powerless due to the fear of the perpetrator. Children aged 6-15 years are targeted because they are easily persuaded and threatened not to report the sexual violence experienced. Physically, their small and weak bodies make them easier to trick. For example, (Ay) experienced fear, dizziness, stomach pain, loss of appetite, embarrassment, quietness, moodiness, losing school spirit, and social withdrawal. (c) Stigmatisation. Victims of incest violence often experience stigmatisation from the environment. Families try to cover up the disgrace to avoid social ostracization. Families respond by denying the existence of the sexual act, or dismissing it as not serious (Tener et al., 2018). They also see it as a destruction of the idealised image of the family or as a tragic event in the family.

Second, the physical impact. Victims feel guilty, ashamed, and have a poor self-image. Guilt and shame are formed due to helplessness and feeling that they have no power to control themselves. Child victims of violence often feel different from others, some victims are angry with their bodies due to the abuse they have experienced. Others use drugs and alcohol to punish their bodies and try to avoid memories of the abuse. For example, Victim (Y) was so ashamed of what happened to her that she even attempted suicide but was unsuccessful. The act of committing suicide is an option because of the tremendous pressure experienced by the victim (S. Ali & Ali, 2020). Third, social impacts such as what happened to the victim (Y), she isolated herself with her mother to outside of the area. The victim was ashamed of her extended family, neighbours, school environment, and friends. The victim's family was antagonised by the perpetrator's extended family because they did not resolve the matter within the family but reported it to the authorities. Other social affected the victim (Ay), she was not enthusiastic about school and withdrawing herself from the school friends. The traumatic events happened to the victim (Ai) were related to problems with her mother, their relationship was not harmonious, causing the victim (Ai) to not feel at home. The victim (Ai) sought release outside and was exposed to a life of promiscuity and worked in inappropriate cafe.

## Discussion

This study found that the dysfunction of the roles and functions of parents, such as not being able to provide protection, security, and comfort for their family members, and disharmony in relations and communication between family members, led to divorce. The father's power over the child created fear in the child so that the child is powerless to resist incest. The main factor is that the perpetrators had low morals or found it difficult to control their lust because they did not have strong spiritual and mental strength. This condition was triggered by the absence of barriers/space in the house due to economic factors so that there is no protection, security, and comfort for children in the family. In addition, there was an opportunity for incest to occur where there was only a father and child at home for a long time while the mother worked or left home.

This problem continued when law enforcement does not work well. Although Indonesian laws have regulated the protection of children from violence, the implementation has not gone well. The role of the government, social organisations, and the community has been synergistic and integrated, as proven by several cases that were processed legally until the court verdict against the perpetrator, a report from the family/wife and community support around the victim. However, this has not yet had a significant impact on reducing incestuous sexual violence. Prevention efforts in the form of counselling from public and private institutions are generally still partial and experience obstacles in mapping areas prone to incest sexual violence.

On the other hand, the impact of incest on children is experiencing deep acute trauma throughout their lives, experiencing prolonged heavy burdens so that children experience physical disorders in the form of no appetite, dizziness, contracting venereal diseases, and even experiencing convulsions until fainting. The psychological disorders they experience are anxiety about the destruction of the future, deep sadness throughout their lives, there is even suicidal ideation, and social by closing themselves off from socialising, and promiscuity to cover their disappointment as a form of protest against their parents, education (drop out), and economic (forced to work to meet their needs because they experienced pregnancy from incest).

Based on these findings, several things need to be discussed about the factors and impacts of incestuous sexual violence, such as the issue of family dysfunction and the legal system. The family is the foundation in shaping children's personality; hence the family is very decisive for the child's survival. Empirical facts prove that incest violence occurs because parents fail to fulfil their roles and functions in the family. Family dysfunction has an impact on all family members including children who should receive attention and affection. Fractured families (Indrawati & Dewi, 2022) hurt children such as losing affection from parents, difficulty socialising, and lack of confidence. Families that do not carry out their roles and functions, will have an impact on children, so that children are vulnerable to psychological disorders; parents who hate; easily exposed to bad environmental influences; view life as meaningless; and not easy to get along with; and experience moral problems (Wahid et al., 2022).

Incestuous sexual violence will not occur if family functions are carried out properly. Family functions in Government Regulation No. 21 of 1994 and Law No. 10 of 1992 are divided into 7, such as religious, socio-cultural, affection, protection, reproduction, education, and economic functions. If these functions run well, of course, forms of violence in the family will not occur. In the religious function, for example, if a father has strong religious knowledge and understands his obligations and role in the household, of course, he will foster, implement, and set an example for his wife and children. Likewise, in the protection function, fathers play an active role in protecting their children (Bahri et al., 2024), not making their children feel uncomfortable at home. In addition, fathers and mothers must also know their respective obligations as a father, husband, mother, wife, and children.

Although these functions have been regulated both in the law and religious norms, many things affect the dysfunction of this family. Religious functions, affection functions, social culture, protection functions and other functions do not work in the family due to influences that come from inside and outside the family. One of them is information technology, which has a significant impact on the distortion of religious values and norms in the family. Social media and other online media contribute to forming unhealthy relationships between family members; father, mother, and children. In addition to these external factors, family dysfunction is also influenced by internal factors, one of which is the lack of knowledge in living a household life. Knowledge in living the family should be based on religious values, community norms, and humanity.

The persistence of incestuous sexual violence, as the research found, is also fuelled by the existing legal system in Indonesia. If examined further from the perspective of the legal system, there are several problems in incest cases. Firstly, in terms of legal substance, which includes the rules and norms that govern society. There are several legal regulations related to the protection of children, including Law No. 23 of 2002 on the Protection of Children, as amended by Law No. 35 of 2014 and the second amendment by Government Decree in lieu of Law No. 1 of 2016 which mandates collective control in the form of involvement of the state, government, local government, community, family and parents or guardians in protecting children. In the family sphere, there is also Law No. 23/2004 on the Elimination of Domestic Violence and Law No. 13/2006 on Witness and Victim Protection. In substance, these laws do not specifically address the issue of incest. The criminal offence of incest is specifically regulated in Law No. 1 of 2023 on the Criminal Code Article 418 which explains that the perpetrator of incest is sentenced to 12 years imprisonment. Substantially, there is no problem with this law, the problem is in its application (Ahadi, 2022).

Secondly, Legal structure refers to law enforcement institutions and mechanisms such as courts and police (Manullang, 2022). Weaknesses in legal structures, such as a lack of resources and inadequate training, often lead to ineffective handling of incest cases and exacerbate victims' trauma. Many law enforcement institutions lack the resources to effectively handle sexual violence cases, and slow legal processes hinder the resolution of cases. The third is legal culture which includes the values and attitudes of society towards the law (Rahmaningsih & Rizqi, 2022; Silbey, 2018). Legal cultural factors affecting the handling of incest cases include social stigma, patriarchal norms, and lack of awareness. Victims of incest often experience social stigma which makes them reluctant to report the incident, and society tends to consider incest cases as a family disgrace. Patriarchal culture facilitates incest violence. Religious and moral education is expected to shape a society that is more sensitive to the issue of sexual violence and supports child protection.

## Conclusion

Family is the smallest unit of society that provides protection, security, and comfort to children. The dysfunctional role of parents in providing protection and comfort can lead to family disharmony and increase the risk of divorce. When parents do not fulfil their roles well, especially fathers who hold dominant power relations, children can become vulnerable to incest. The main factors for incest violence are low morals and the inability to control lust. Poor economic conditions can exacerbate the situation, the lack of insulation in the home reduces the protection and safety of the child, especially when the child and father live together without the presence of the mother. From the perspective of the legal system, the continuation of cases of incest violence against children can be explained through three elements: legal substance, legal structure, and legal culture. Although the law has criminalised incest, its implementation is often weak. A legal structure that lacks resources and training makes handling incest cases slow and inefficient. Legal culture, such as social stigma and patriarchal norms, discourages victims from reporting incest. Prevention efforts involve upholding the legal system, family understanding and community culture in more effective prevention, assistance, and law enforcement efforts to protect the psychological and future of children from incest sexual violence.

## Conflict of Interest

There are no conflicts of interest to declare.

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