



Incestuous Sexual Violence Against Girls and Family Dysfunction in Coastal Indonesia: Causes, Consequences, and Legal Handling Effectiveness

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Submitted: March 25, 2025	Accepted: May 19, 2025	Published: June 05, 2025
How to Cite (Chicago): Nurchahaya, Nurcahaya, and Karimuddin Karimuddin. 2025. "Incestuous Sexual Violence Against Girls and Family Dysfunction in Coastal Indonesia: Causes, Consequences, and Legal Handling Effectiveness". <i>Al-Qadha: Jurnal Hukum Islam Dan Perundang-Undangan</i> 12 (1), 134-150. https://doi.org/10.32505/qadha.v12i1.11118 .		

Abstract

This study examines cases of incestuous sexual violence against girls perpetrated by biological fathers within the family structure. The primary focus is to identify the underlying causes and consequences of incest, as well as to analyze the effectiveness of the legal responses. Employing a case study approach and utilizing Focus Group Discussions (FGDs), data were collected through engagements involving the Office for the Empowerment of Women and Child Protection (P3A), the National Commission on Violence Against Women (Komnas Perempuan), and various women's and child protection organizations. The findings reveal that incestuous sexual violence against girls is driven by a combination of structural and cultural factors, particularly poverty, lack of privacy within the household, communal living arrangements, and dysfunctional family relationships. These conditions create an environment of heightened vulnerability for girls. In practice, legal handling of incest cases has not received adequate attention from the government. In contrast, civil society organizations focused on women and child protection have demonstrated a more proactive response, although their efforts are often hindered by the absence of clear legal regulations and insufficient institutional coordination. The presence of the state in ensuring legal protection for victims is thus critically important. This study underscores the need for strengthening a victim-oriented legal system, as well as the importance of preventive strategies through Islamic family law education. Such education is expected to foster collective awareness regarding the protection of girls within the family structure, particularly in coastal communities across Indonesia.

Keywords: Incestuous Violence, Girls, Islamic Family Law

Abstrak

Penelitian ini mengkaji kasus kekerasan seksual inses terhadap anak perempuan yang dilakukan oleh ayah kandung dalam lingkup keluarga. Fokus utama penelitian adalah untuk mengidentifikasi penyebab dan dampak inses, serta menganalisis efektivitas penanganan hukumnya. Menggunakan pendekatan studi kasus dan teknik Focus Group Discussion (FGD), data dikumpulkan melalui diskusi yang melibatkan Badan Pemberdayaan



Perempuan dan Perlindungan Anak (P3A), Komnas Perempuan, serta berbagai organisasi perempuan dan perlindungan anak. Hasil penelitian menunjukkan bahwa kasus kekerasan seksual inses yang dialami oleh anak perempuan dipicu oleh sejumlah faktor struktural dan kultural, terutama kemiskinan, ketiadaan ruang privasi dalam keluarga, pola hunian komunal, serta disfungsi relasi keluarga. Kondisi ini menciptakan lingkungan yang sangat rentan bagi anak perempuan menjadi korban. Dalam praktiknya, penanganan hukum terhadap korban kekerasan seksual inses belum mendapat perhatian serius dari pemerintah. Sebaliknya, organisasi swasta perempuan dan perlindungan anak justru menunjukkan respons yang lebih proaktif, meskipun tidak didukung oleh regulasi hukum yang jelas dan koordinasi kelembagaan yang memadai. Kehadiran negara dalam menjamin perlindungan hukum bagi korban menjadi sangat krusial. Temuan ini menegaskan pentingnya penguatan sistem hukum yang berpihak pada korban, serta perlunya pendekatan preventif berbasis pendidikan hukum keluarga Islam. Pendidikan ini diharapkan mampu membentuk kesadaran kolektif tentang pentingnya perlindungan anak perempuan dalam struktur keluarga, khususnya di masyarakat wilayah pesisir Indonesia.

Kata Kunci: Kekerasan Inses, Anak Perempuan, Hukum Keluarga Islam

Introduction

The phenomenon of incest within families has become a serious threat to the well-being of children, with deeply traumatic impacts.¹ Data from the National Commission for Child Protection for the period of January-December 2023 documented 3,547 cases of child violence, reflecting a 30% increase from the previous year. Of these, 1,915 cases were categorized as sexual violence, including 213 cases of incest involving family members as perpetrators.² Based on observational data obtained in 2018, unreported cases of incest were identified, with limited access to legal assistance for their resolution. This data was gathered from organizations and government entities focused on the protection, violence, and sexual abuse of children. The cases of incest spanned three distinct regions – Tanjung Balai, Batam, and East Jakarta – revealing that familial incest is driven by several factors, including exposure to pornographic content, uncontrolled sexual urges, poverty, and living arrangements lacking personal boundaries between children and parents. Perpetrators of sexual incest are typically close relatives, often the biological fathers of the victims. The violence involved biological daughters being coerced into satisfying their fathers' sexual desires through threats and enticements. These incidents persisted over three years, resulting in pregnancy.³

Cases of incest also reveal highly detrimental aspects. Research by Djawas et al. (2022) indicates that daughters born from incestuous relationships are denied their

¹ Ingrid Walker-Descartes et al., "Sexual Violence Against Children," *Pediatric Clinics of North America* 68, no. 2 (April 2021): 427–36, <https://doi.org/10.1016/j.pcl.2020.12.006>.

² Karla Elliott, Kate Fitz-Gibbon, and JaneMaree Maher, "Sibling Violence: Understanding Experiences, Impacts, and the Need for Nuanced Responses," *The British Journal of Sociology* 71, no. 1 (January 14, 2020): 168–82, <https://doi.org/10.1111/1468-4446.12712>; Lauren Rumble et al., "Childhood Sexual Violence in Indonesia: A Systematic Review," *Trauma, Violence, & Abuse* 21, no. 2 (April 8, 2020): 284–99, <https://doi.org/10.1177/1524838018767932>.

³ Bagong Suyanto et al., "Incestuous Abuse of Indonesian Girls: An Exploratory Study of Media Coverage," *Children and Youth Services Review* 96 (January 2019): 364–71, <https://doi.org/10.1016/j.chilyouth.2018.11.034>.

inheritance rights.⁴ Sexual incest also leads to social exclusion and difficulties in interacting with the surrounding environment.⁵ Psychologically, incest victims experience PTSD, anxiety, and low self-esteem, which impede their emotional well-being.⁶ From a health perspective, incest victims who become pregnant are at risk of undergoing abortions and contracting sexually transmitted infections, with limited access to healthcare services.⁷ Family relationships are also shattered, destroying the harmonious dynamics of the household.⁸ Their social lives are also disrupted, leading to isolation within the community.⁹ More broadly, it also results in stigmatization affecting welfare in education, employment, and economic opportunities.¹⁰

Research conducted by Johnson reveals that incest cases occur due to sexual desire, the assertion of power, and pathological psychological factors within the family.¹¹ Meanwhile, research by Krienert et al, indicates that the majority of incest cases remain unreported.¹² In the study by McCoy et al, incest occurs due to social and cultural pressures that hinder victims from seeking justice.¹³ A study on legal handling efforts for children who are victims of incest has also been conducted by Nastution,¹⁴ and Tursilarini., et al¹⁵ to

⁴ Mursyid Djawas et al., "The Legal Position of Children of Incest (A Study of Madhhab Scholars and Compilation of Islamic Law)," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 1 (June 27, 2022): 139, <https://doi.org/10.22373/sjhk.v6i1.11904>.

⁵ Oya Sevcan Orak, Nurten Gülsüm Bayrak, and Elif Güzide Emirza, "'Silent Screams': Family Perceptions in the Drawings of Incest Victim Children," *Journal of Pediatric Nursing* 73 (November 2023): e624–31, <https://doi.org/10.1016/j.pedn.2023.11.008>.

⁶ Nur Jannah Abdul Ghani et al., "A Case of Incest in a Malaysian Child: The Ethical and Legal Implications," *Education in Medicine Journal* 13, no. 2 (June 30, 2021): 101–5, <https://doi.org/10.21315/eimj2021.13.2.10>; David M. Lawson and Sinem Akay-Sullivan, "Considerations of Dissociation, Betrayal Trauma, and Complex Trauma in the Treatment of Incest," *Journal of Child Sexual Abuse* 29, no. 6 (August 17, 2020): 677–96, <https://doi.org/10.1080/10538712.2020.1751369>.

⁷ Achmad Prasetya Syailendra, "Legal Protection of Incest Victims Who Have an Abortion," *Jurnal Hukum Novelty* 10, no. 2 (November 14, 2019): 140, <https://doi.org/10.26555/novelty.v10i2.a12497>.

⁸ Dafna Tener et al., "Parental Attitudes Following Disclosure of Sibling Sexual Abuse: A Child Advocacy Center Intervention Study.," *American Journal of Orthopsychiatry* 88, no. 6 (2018): 661–69, <https://doi.org/10.1037/ort0000311>.

⁹ Rosaleen McElvaney, Rachael McDonnell Murray, and Simon Dunne, "Siblings' Perspectives of the Impact of Child Sexual Abuse Disclosure on Sibling and Family Relationships," *Family Process* 61, no. 2 (June 2022): 858–72, <https://doi.org/10.1111/famp.12681>.

¹⁰ Efrat Shaked, Moshe Bensimon, and Rivka Tuval Mashlach, "Internalization and Opposition to Stigmatized Social Discourse among Incest Survivors," *Journal of Child Sexual Abuse* 30, no. 7 (October 3, 2021): 847–68, <https://doi.org/10.1080/10538712.2021.1970680>.

¹¹ Amber Johnson, "Shattered Bonds: Incest and Reunification in the African American Community—Critical Review and Auto-Hermeneutic Phenomenological Study" (Chicago School, 2023).

¹² Jessie L. Krienert, Jeffrey A. Walsh, and Kimberly A. Ingold, "An Empirical Analysis of Sibling Sexual Abuse: Examining Offender, Victim, and Event Characteristics in National Incident-Based Reporting System (NIBRS) Data, 2018–2022," *Child Abuse & Neglect*, May 2024, 106871, <https://doi.org/10.1016/j.chiabu.2024.106871>.

¹³ Kelsey McCoy et al., "Helping Families Following Sibling Sexual Abuse: Opportunities to Enhance Research and Policy Responses by Addressing Practical Challenges," *Aggression and Violent Behavior* 65 (July 2022): 101652, <https://doi.org/10.1016/j.avb.2021.101652>.

¹⁴ Khoiruddin Nasution and Syamruddin Nasution, "Implementation of Indonesian Islamic Family Law to Guarantee Children's Rights," *Al-Jami'ah: Journal of Islamic Studies* 59, no. 2 (December 13, 2021): 347–74, <https://doi.org/10.14421/ajis.2021.592.347-374>.

urgently demand a more victim-centered legal system for cases of familial incest, and to foster a societal culture that is more effective in preventing, assisting, and ensuring legal certainty for the welfare of children affected by incestuous violence.

This study’s primary contribution lies in rearticulating Islamic family law not merely as a reactive legal instrument, but as a proactive educational and cultural framework embedded within the family structure – designed to safeguard girls from the threat of incest from an early stage. Grounded in the lived realities of impoverished coastal communities, the research underscores the significance of structured moral responsibility and value-based family education as preventive mechanisms. By framing Islamic principles as tools for early intervention rather than post-crisis adjudication, this study offers a novel, context-sensitive approach to addressing incestuous violence.

This study employs a qualitative method with a case study approach to explore in-depth information regarding incest cases in three coastal regions of Indonesia: Tanjungbalai, Batam, and North Jakarta. Data collection was conducted using Focus Group Discussion (FGD) techniques involving parties with profound understanding of the issue, including representatives from the Women's Empowerment and Child Protection Office (P3A), the National Commission on Women (Komnas Perempuan), and child protection organizations such as Rumah Feye, Yayasan Kusuma Buana, and Rumah Embun Pelangi. Secondary data sources were obtained from documentation, case reports, scientific journal articles, and media coverage. This research applies triangulation techniques with normative-descriptive analysis based on the Sexual Violence Criminal Act (TPKS), the Child Protection Law, and Islamic family law. The data is analyzed in depth and presented in narrative form to formulate strategic recommendations for strengthening legal regulations and enhancing public awareness.

Profile of Sexual Violence Victims in Incest Cases

Coastal areas in Indonesia often serve as the backdrop for family dysfunction in cases of incest. Vulnerable socio-economic conditions, characterized by poverty, low levels of education, and limited access to resources, create an environment that triggers imbalance within family structures. The activities of family members within the household generate dynamics that can lead to risky situations regarding incest cases involving young girls. Families, which should ideally be a source of protection and affection, instead become perpetrators against their own daughters.¹⁶

Table 1: Profile of Perpetrators and Victims of Sexual Incest in Three Cities

Location	Perpetrator	Victim	Age	Case Chronology
Tanjungbalai City	Biological Father	Daughter	15 Years	Forced and violent acts by her father began with harassment, followed by sexual intercourse

¹⁵ Tateki Yoga Tursilarini et al., “Examining Child Victims of Incest in Indonesia: Between the Legal System and Family Dysfunction,” *JURIS (Jurnal Ilmiah Syariah)* 23, no. 1 (June 28, 2024): 129, <https://doi.org/10.31958/juris.v23i1.12341>.

¹⁶ Gusti Ayu Kade Komalasari and Anak Agung Sagung Paraniti, “Incest in the Dimension of Sexual Violence Against Children,” *South East Asia Ournal of Contemporary Business, Economics and Law* 21, no. 5 (2020): 232–39.

					leading to pregnancy.
Batam City	Biological Father	Daughter	13 Years		Molestation occurred over three years, involving enticement and threats directed at the child and wife.
East Jakarta City	Biological Father	Daughter	17 Years		Molestation, violence, and sexual intercourse three times, in the form of repeated oppression against the child and wife.

Source: Field Data Results from FGD in Three Cities, 2018

First, cases of incestuous violence in the city of Tanjung Balai involve a blood relationship between a father and his biological child.¹⁷ These cases are caused by economic pressures within the family. The family resides in a densely populated residential area. Their houses generally consist of only one room without any privacy partitions, creating no boundaries between parents and daughters or even among other family members. The houses in these settlements are typically constructed with thin walls made of wooden planks, built on coastal areas with stagnant water underneath. The walls of the houses have visible gaps that are see-through, allowing neighbors to easily observe activities inside the house through the cracks in the dilapidated wooden walls.¹⁸

The majority of the population generally works as fishermen. This condition is exacerbated by the absence of basic facilities such as bathrooms inside the house; household activities like changing clothes or bathing can be seen by anyone, leading to a lack of modesty in dressing and daily interactions. Additionally, religious and moral education is not prioritized, as family members are often preoccupied with fishing at sea, sometimes staying away from home for weeks or even up to a month. This situation also contributes to the occurrence of sexual incest cases.¹⁹ Upon returning from fishing, the surge in sexual libido becomes difficult to control. This creates a situation where male figures tend to commit acts of harassment against female family members, especially given the extended periods of absence due to fishing.

The father's behavior demonstrates that sexual incest often occurs in situations of economic dependency, where the victim lacks adequate protection and the perpetrator exploits their dominant position within the family. The incestuous violence was experienced by a 10th-grade student who was still attending high school. The victim was repeatedly forced to satisfy her biological father's sexual desires.²⁰ This began as she entered adolescence, during which her father gradually established increasingly oppressive control over her. Initially, the acts began with physical harassment, as he would watch her while she wore revealing clothing, whether while sleeping or after bathing. This behavior further intensified the father's sexual libido, leading him to forcibly engage in sexual acts due to escalating lustful urges. Her father issued threats to fulfill his desires, warning the victim not to

¹⁷ FGD, "Dinas P3A" (Tanjungbalai, 2018).

¹⁸ FGD.

¹⁹ FGD.

²⁰ FGD.

disclose what she was experiencing. Whenever she attempted to resist, her father threatened to beat or kill other family members. In a state of fear and helplessness, she was compelled to submit to her father's demands over an extended period.

Over time, the repeated abuse continued until she became pregnant. Upon learning of her condition, the father attempted to conceal his actions by accusing her of having sexual relations with her boyfriend or another male acquaintance as a way to cover up his crime. She did not dare to report or recount the ordeal she had endured. The accusations made by her father were an effort to evade legal consequences and protect his reputation within the community. Moreover, the perpetrator also tried to construct a narrative that he was suffering from a psychological disorder, which supposedly caused him to act unconsciously, as a form of manipulation to divert attention away from the case and prevent it from gaining further scrutiny from family members or the surrounding community.²¹

Second, a case of sexual incest violence occurred in the city of Batam, where a father deliberately molested his own biological child. The background of this incident is related to family dysfunction between the husband and wife. The father committed incestuous violence against his daughter due to economic pressures and the lack of privacy within the household. To meet the family's economic needs, a child under the age of 17 was forced to work. This family lived in a simple house without any partitions between parents and children. The daughter slept in the same room as her father and mother, a situation that further deteriorated moral boundaries within the family. Additionally, the mother's history of illness left her unable to fully attend to her husband's needs. Economic limitations also forced the mother to continue working despite her poor health, while the father's meager income and frustration with supporting the family led him to seek sexual gratification with his own child.²²

The father's method of influencing his daughter involved grooming, where he approached her through psychological manipulation to build feelings of love and dependency by giving her money and promising recreational trips. The father exploited this emotional closeness with his daughter, using threats disguised as false affection to shape her way of thinking. Despite this, the daughter felt loved by her father and remained unaware that his behavior was wrong. This relationship even progressed to the point where the child developed a deep emotional bond with her father, believing that he truly cared for her.²³

It was acknowledged that the perpetrator's wife suffered from a lung disease, which resulted in a lack of sexual desire and an inability to fulfill her husband's sexual needs. This had a significant impact on the couple's sexual relationship and overall reduced intimacy within the household. The situation was exacerbated by the wife's demanding workload, which led to neglect of her roles as a wife and mother. Her inability to adequately serve her husband ultimately drove him to pursue a divorce, as he felt there was no longer harmony between them, leading to their decision to live separately. Upon finalizing the divorce, the husband and wife agreed that their daughter would live with her mother.²⁴

²¹ FGD.

²² FGD, "Rumah Feye" (Batam, 2018).

²³ FGD.

²⁴ FGD.

Even after the divorce, the victim's father continued to visit the house periodically. Starting at the age of 13, the molestation occurred repeatedly over three years until the victim reached the age of 16. When the victim's mother was not at home due to work obligations to support the family, the perpetrator took advantage of the situation by enforcing social isolation on the child, strictly forbidding her from leaving the house or interacting with peers and the surrounding community. This isolation was systematically employed to prevent the crime from being uncovered while simultaneously increasing control over the victim. By restricting the victim's movements, the perpetrator also attempted to manipulate her into believing that her mother was evil because she could not provide happiness.²⁵

Third, the case in East Jakarta involved a biological father committing repeated acts of sexual incest violence against his daughter through threats and physical violence. Family members, particularly the mother, who were aware of the incidents, were unable to take any action as the mother feared reporting or even speaking about it, including confiding in other family members.²⁶ Although a report was made, no strong evidence was found, as the mother was concerned for her safety and that of her child. Additionally, the family still relied on the father to provide for them. The victims of sexual incest were not limited to the child but also included the mother, who endured repeated threats, violence, and oppression from the perpetrator. This situation created a profoundly heavy psychological burden for the victims, ultimately leaving them feeling compelled to remain "silent" and "resigned" to their suffering.²⁷

Incestuous violence highlights the critical importance of understanding power dynamics within family relationships, where perpetrators often exploit their dominant position to control and oppress victims. The authoritarian actions of the father culminate in pregnancy, which carries not only health and future consequences for the child but also inflicts profound psychological impacts. The victim is forced to confront the reality of becoming a mother under highly undesirable circumstances, which can significantly affect her mental and emotional well-being in the long term.²⁸

The dominance of patriarchal power in Indonesian society plays a significant role in exacerbating this situation. Traditional values that place women under pressure due to their inability to earn a livelihood often prevent them from seeking divorce or reporting criminal acts committed by their husbands. Maintaining the family's economic needs and remaining obedient to the husband are considered top priorities, even if it means sacrificing the fundamental rights of their daughters. Customary laws also instill a fear of social stigma, leaving many women feeling as though they have no choice but to remain silent and accept their circumstances.²⁹

This powerlessness is influenced by the authority dynamics between husband and wife, where the wife tends to occupy a subordinate position. Daughters, as the primary

²⁵ FGD.

²⁶ FGD, "Yayasan Anak Dan Perempuan" (Jakarta, 2018).

²⁷ FGD, "Yayasan Kusuma Buana" (Jakarta Timur, 2018).

²⁸ FGD; FGD, "Yayasan Anak Dan Perempuan."

²⁹ Desilasidea Cahya Zalabella, "Faktor-Faktor Penyebab Terjadinya Perkosaan Incest," *Indonesian Journal of Criminal Law and Criminology (IJCLC)* 1, no. 1 (July 27, 2020): 01-09, <https://doi.org/10.18196/ijclc.v1i1.9156>.

victims in many incest cases, also often lack the power to resist the demands of their male parents. Fear, guilt toward the family, and a lack of understanding about moral boundaries make them vulnerable to manipulation and sexual violence. They are frequently unaware that what is happening to them is wrong, as they have been indoctrinated to obey their parents unconditionally.³⁰

Impacts of Incest Violence on Victims

The impact of incest on underage victims in Tanjungbalai and East Jakarta is highly complex and long-lasting, encompassing psychological trauma that undermines trust in family relationships and disrupts emotional, cognitive, and social development. Given that the perpetrator is typically a father figure, victims often experience Post-Traumatic Stress Disorder (PTSD), with symptoms such as nightmares, flashbacks, hypervigilance, and avoidance of trauma triggers.³¹ Victims are also vulnerable to depression, anxiety, and dissociative disorders. Dissociative disorders, such as depersonalization, serve as psychological defense mechanisms. This trauma impedes the development of self-identity, leading to difficulties in emotional regulation and triggering aggressive behavior or social withdrawal.³²

From the physical health perspective, the impact of incest is not limited to direct physical injuries resulting from sexual violence but also includes the risk of unwanted pregnancy as the most traumatic consequence. This is because victims must endure the physical burden of pregnancy at a young age, which can lead to serious medical complications, including maternal and infant mortality risks, as well as long-term reproductive health issues such as Sexually Transmitted Infections (STIs) and gynecological disorders.³³ The lack of access to trauma-sensitive healthcare services often exacerbates the victims' conditions, as reluctance or inability to seek medical help may lead them to consider terminating the pregnancy.³⁴

The social impact also leaves victims feeling trapped in a situation they cannot disclose to others. Negative societal stigma leads to feelings of shame, guilt, and isolation, making it difficult for them to seek support from family, friends, or the community. In the Batam case, victims were even forbidden from socializing, further exacerbating their trauma and slowing the healing process. Difficulties in attending school, working, or participating in social activities pose significant barriers for victims in building productive and meaningful

³⁰ Titiek Kartika Hendrastiti and Noeke Sri Wardhani, "Narrative of Denial from Five Cases of the Incestuous Fathers," *Jurnal Perempuan* 26, no. 2 (August 31, 2021): 121, <https://doi.org/10.34309/jp.v26i2.568>.

³¹ David M. Lawson and Sinem Akay-Sullivan, "Considerations of Dissociation, Betrayal Trauma, and Complex Trauma in the Treatment of Incest," *Journal of Child Sexual Abuse* 29, no. 6 (August 17, 2020): 677-96, <https://doi.org/10.1080/10538712.2020.1751369>. *Journal of Child Sexual Abuse* 29, no. 6 (August 17, 2020): 677-96, <https://doi.org/10.1080/10538712.2020.1751369>.

³² Jean-Michel Darves-Bornoz, "Trauma in Rapes and Assaults," *Children* 8, no. 12 (December 6, 2021): 1143, <https://doi.org/10.3390/children8121143>.

³³ Maria Misrelma Moura Bessa et al., "Characterization of Adolescent Pregnancy and Legal Abortion in Situations Involving Incest or Sexual Violence by an Unknown Aggressor," *Medicina* 55, no. 8 (August 13, 2019): 474, <https://doi.org/10.3390/medicina55080474>.

³⁴ Syailendra, "Legal Protection of Incest Victims Who Have an Abortion." *Jurnal Hukum Novelty* 10, no. 2 (November 14, 2019): 140, <https://doi.org/10.26555/novelty.v10i2.a12497>.

lives. Moreover, the trauma experienced can affect their ability to form healthy interpersonal relationships, whether in friendships or marital relationships later in adulthood.³⁵

The long-term effects of incest trauma can also impact economic well-being and result in the denial of inheritance from family lineage due to marital relationships.³⁶ Victims face economic difficulties in accessing education or maintaining employment. This can lead to limited access to economic opportunities, further exacerbating conditions of poverty and helplessness in the future. On the other hand, the social stigma attached to victims of sexual incest also makes them targets of discrimination or marginalization within society, perpetuating a cycle of poverty and injustice that is difficult to break.³⁷

Barriers to Legal Handling of Incest Victims

The handling of incest cases in the three observed regions also reveals inadequacies in the legal services and assistance that should be a right for victims as protected parties. Legal aid from the government tends to be slow, with more support coming from individuals or organizations concerned with sexual violence issues. We found that the Embun Pelangi Foundation, Rumah Faye, and the Kusuma Buana Foundation have made preventive efforts to provide assistance and counseling services to victims of sexual incest.³⁸ Thus, the suboptimal role of the government in addressing incest cases reflects structural weaknesses in the child and women protection systems in Indonesia. Sexual incest crimes expose the state's shortcomings in fulfilling its responsibility to protect citizens from sexual violence within the domestic sphere.

The reality on the ground shows that government institutions such as P2PT2A, Komnas Perempuan, and the DP3AKB Office provide limited attention to the accompaniment and resolution of sexual incest cases. On the other hand, private organizations have become the forefront in providing holistic services to victims. The reason behind this inadequacy lies in budgetary and political support limitations, which result in efforts being carried out without sustainable funding certainty. For instance, in the Tanjung Balai case, the Social Services Office was unable to act effectively because the budget approval mechanism by the Regional Regional Legislative Council (DPRD) required a lengthy bureaucratic process.³⁹

The lack of proper coordination between the government and community organizations further exacerbates the handling of sexual incest cases. Community forums, which should serve as strategic partners in advocating for victim protection, are instead hindered by unclear state policies. The weak synergy between social services, health services,

³⁵ Susan Alexa Pusch, Thomas Ross, and María Isabel Fontao, "The Environment of Intrafamilial Offenders - A Systematic Review of Dynamics in Incestuous Families," *Sexual Offending: Theory, Research, and Prevention* 16 (December 23, 2021): 1-20, <https://doi.org/10.5964/sotrap.5461>.

³⁶ Djawas et al., "The Legal Position of Children of Incest (A Study of Madhhab Scholars and Compilation of Islamic Law)." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 1 (June 27, 2022): 139, <https://doi.org/10.22373/sjhk.v6i1.11904>.

³⁷ Nofita Yulandari et al., "Hubungan Faktor Sosial Ekonomi Dengan Kesehatan Mental Pada Anak Korban Seksual Di Provinsi Aceh," *Jurnal Kesehatan Komunitas* 8, no. 3 (December 18, 2022): 506-13, <https://doi.org/10.25311/keskom.Vol8.Iss3.1216>.

³⁸ FGD, "Rumah Embun Pelangi" (Batam, 2018); FGD, "Rumah Feye"; FGD, "Yayasan Kusuma Buana."

³⁹ FGD, "Dinas P3A."

and the women's empowerment and child protection agency results in fragmented and unsustainable case handling. Komnas Perempuan itself has acknowledged the limitations of its mandate in addressing cases on an individual basis, leaving victims often without the direct support they need.⁴⁰

Legal frameworks emphasize that the handling of sexual incest cases is strongly supported by laws such as Indonesia's Child Protection Law (No. 23/2002), the Sexual Violence Criminal Act (No. 12/2022), and institutions like Child Protective Services (CPS), which provide legal aid and psychological rehabilitation for victims,⁴¹ including penalties like chemical castration or life imprisonment.⁴² For instance, Malaysia's Penal Code (Section 376B) imposes severe punishments,⁴³ including whipping. Meanwhile, countries like the U.S. (e.g., Texas Penal Code)⁴⁴ and the U.K. (Sexual Offences Act 2003) adopt measured legal approaches to ensure justice for victims,⁴⁵ supported by organizations like the NSPCC.⁴⁶ Globally, legal systems are increasingly addressing sexual incest, but enforcement, accessible legal services, and robust psychosocial support systems remain critical priorities

A holistic approach that considers the impacts of violence is essential to provide legal assistance, counseling, and shelter for incest victims. Unfortunately, the government has not yet optimally supported victims. The role of civil society organizations has become critical, despite their limited resources. Social workers involved in these organizations often work voluntarily without sustainable funding. Nevertheless, they continue to strive to provide comprehensive rehabilitation services for victims, including psychological counseling, legal assistance, and social reintegration.⁴⁷

Additionally, the government has made significant efforts to educate the public about the dangers of sexual violence within families, particularly in underdeveloped regions. On

⁴⁰ FGD, "Komnas Perempuan" (Jakarta, 2018).

⁴¹ Lydia Agnes Gultom, Fredrick Dermawan Purba, and Hari Setyowibowo, "Peran Strategi Koping Dan Dukungan Sosial Terhadap Compassion Fatigue Pada Petugas Layanan Perlindungan Anak," *Journal of Psychological Science and Profession* 3, no. 8 (December 31, 2024): 188–96, <https://doi.org/10.24198/jpsp.v3i8.58375>.

⁴² Lukman Arake, "Hukuman Kebiri Kimia Bagi Pelaku Kekerasan Seksual Terhadap Anak Perspektif Fiqh Siyasah," *Al-Adalah: Jurnal Hukum Dan Politik Islam* 5, no. 1 (April 12, 2020): 16–41, <https://doi.org/10.35673/ajmpi.v5i1.676>.

⁴³ Mohamad Kamal Sodiqin Abdull Manaf, "Comparative Analysis of International and Malaysian Legal Frameworks on The Treatment On Uncontrollable Children: Is There Any Inconsistency?," *Malaysian Journal of Syariah and Law* 11, no. 1 (January 5, 2023), <https://doi.org/10.33102/mjsl.vol11no1.346>; Nurulhuda Ahmad Razali and Nazli Ismail Nawang, "An Overview of The Legal Framework Governing Cyberbullying Among Children In Malaysia," *IIUM Law Journal* 30, no. S1 (April 12, 2022): 207–28, <https://doi.org/10.31436/iiumlj.v30iS1.704>.

⁴⁴ Nikki Pressley and Ross Jackson, *Ensuring Justice: Innovative Approaches to Improve Crime Clearance Rates* (Texas: Texas Public Policy Foundation, 2024).

⁴⁵ Shurlee Swain, "An Imperial Mission? The National Society for the Prevention of Cruelty to Children and the International Dissemination of Ideas around Child Protection Prior to World War I," *The Journal of the History of Childhood and Youth* 14, no. 2 (2021): 191–210, <https://doi.org/10.1353/hcy.2021.0019>.

⁴⁶ Julie Brown and Sonya Clarke, "Care Planning in Children and Young People's Nursing 2e, Second Edition," in *Safeguarding to Protect Children, Young People, and Their Families*, ed. Sonya Clarke (United States of America: Wiley, 2023), 22–32, <https://doi.org/10.1002/9781119819653.ch3>.

⁴⁷ Atikah Rahmi and Hotma Siregar, "Community-Based Recovery for Sexual Violence Victims: The Case of Hapsari," *AHKAM: Jurnal Ilmu Syariah* 20, no. 1–18 (June 30, 2020), <https://doi.org/10.15408/ajis.v20i1.13520>.

the other hand, although incest has been addressed through comprehensive child protection policies at the national level, challenges remain in implementation and awareness.⁴⁸ There are still various limitations in terms of legislation, policy implementation, and inter-agency coordination, particularly in addressing cases of child sexual harassment, as incest is considered a cultural taboo.⁴⁹ Compounded by societal trust in traditional customs and ancestral cultural practices that must be preserved.⁵⁰

Prevention of Incest from the Perspective of Islamic Family Law

Incest, from the perspective of Islamic law or positive law, is a serious crime and considered a major sin. *First*, incestuous sexual relations committed by a father against his biological daughter are clearly regulated in Articles 43, 45, 46, and 47 of the Compilation of Islamic Law (KHI),⁵¹ and are grounded in Surah An-Nisa verse 23, which establishes the boundaries of mahram based on lineage (*qarabah*), breastfeeding (*radha'ah*), and marriage (*musaharah*).⁵² These boundaries signify familial relations that must be preserved and protected. Nevertheless, the dysfunction of the father's role as a mahram often originates from the failure to fulfill the function of *qawwam* in its entirety. Surah An-Nisa verse 34 states that men are *qawwam* over women—leaders who bear responsibility for protection, education, and financial support within the household. This function is not a form of patriarchal domination, but rather to safeguard the honor, safety, and psychosocial balance of family members, particularly women.⁵³ The function of *qawwam* must therefore serve as a foundation for instilling values of responsibility, compassion, healthy communication, and relational justice between husband and wife, as well as between parents and children.⁵⁴

Second, incestuous violence occurs due to poverty, resulting in a lack of privacy within the household, this condition indicates that families do not maintain separate sleeping arrangements between parents and children who have reached puberty. As clearly outlined in a hadith narrated by Abu Daud, children who have reached a certain age must have their

⁴⁸ Hendrastiti and Wardhani, "Narrative of Denial from Five Cases of the Incestuous Fathers." *Jurnal Perempuan* 26, no. 2 (August 31, 2021): 121, <https://doi.org/10.34309/jp.v26i2.568>.

⁴⁹ Yanuar Farida Wismayanti et al., "The Problematization of Child Sexual Abuse in Policy and Law: The Indonesian Example," *Child Abuse & Neglect* 118 (August 2021): 105157, <https://doi.org/10.1016/j.chiabu.2021.105157>; R H Wibowo, A Busro, and A Purwanti, "Reassessing Restorative Justice: Addressing Sexual Violence Cases in Indonesia," *Indonesia Law Review* 13, no. 3 (2023): 117–23.

⁵⁰ Susi Kusmawaningsih et al., "Legal Analysis of Incest Marriage in the Suku Anak Dalam (SAD) Community in Rupit District, South Sumatra, Indonesia," *Jurnal Mahkamah: Kajian Ilmu Hukum Dan Hukum Islam* 8, no. 2 (January 12, 2024): 251–66, <https://doi.org/10.25217/jm.v8i2.4253>.

⁵¹ Musleh Harry et al., "Examining the Provision of Legal and Religious Education to Islamic Families to Safeguard the Rights and Well-Being of Women and Children: A Case Study Conducted in Malang Regency, East Java," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 3 (August 24, 2024): 1526, <https://doi.org/10.22373/sjhk.v8i3.19566>.

⁵² Annisa Nurbaiti, M Tamudin, and Sandy Wijaya, "Pernikahan Dalam Mahram Mushaharah Di Desa Mekarjaya Kecamatan Buay Pemaca Kabupaten Oku Selatan," *Usroh: Jurnal Hukum Keluarga Islam* 5, no. 2 (December 28, 2021): 103–16, <https://doi.org/10.19109/ujhki.v5i2.10682>.

⁵³ Djawas et al., "The Legal Position of Children of Incest (A Study of Madhhab Scholars and Compilation of Islamic Law)."

⁵⁴ Anisa Nur Kanifah and Lukman Santoso, "Pemenuhan Hak Anak Pasca Perceraian Perspektif Hukum Positif Dan Teori Tujuan Hukum Gustav Radbruch," *Al-Syakhsyiyah: Journal of Law & Family Studies* 6, no. 1 (July 3, 2024), <https://doi.org/10.21154/syakhsyiyah.v6i1.9128>.

sleeping arrangements separated from their parents to prevent temptation and preserve the boundaries of modesty.⁵⁵ The Prophet's hadith emphasizes that children who reach the age of ten should sleep separately. This boundary is also reinforced by Imam An-Nawawi, Qadli Husein, and Al-Harawi.⁵⁶ Moreover, in Islamic family jurisprudence as articulated by Imam Al-Ghazali and Ibn Qayyim Al-Jauziyah, parents are obligated to teach values of etiquette and proper conduct within the household so that children understand the boundaries that must be maintained in their interactions with other family members.⁵⁷

Third, in a situation where a wife is unable to fulfill her husband's sexual needs due to health conditions, while at the same time she contributes economically to the household, any form of sexual transgression by the husband, especially that which culminates in sexual violence against their biological daughter constitutes a grave violation not only of Islamic moral principles but also of the foundational ideals of justice within the family. Islam affirms that the marital relationship must be grounded in the principle of *mu'āsharah bi al-ma'rūf* (living together in kindness and mutual respect), which encompasses patience, empathy, and equitable treatment between spouses. This principle is explicitly stated in Surah An-Nisa, verse 19: "*Wa 'āshirūhunna bil-ma'rūf*" (And live with them in kindness). This verse underscores that when couples face trials such as illness, imbalanced roles, or physical limitations, they are called upon to support one another as equal partners – not to exploit their partner's vulnerability as justification for betrayal or injustice within the household.⁵⁸

Fourth, in cases involving divorce where a daughter is under the custody of her father, who then exploits her to satisfy his desires, this contradicts Islamic principles. Surah At-Talaq verse 6, as well as hadiths narrated by Bukhari and Muslim, establish the principle of *hadhanah* (custody), which prioritizes the mother or another female guardian to care for the daughter, unless specific circumstances render the mother incapable of fulfilling this role.⁵⁹ According to Article 107 of the Compilation of Islamic Law (KHI), if a father, who is meant to be a protector, becomes a perpetrator of sexual violence against his own child, his guardianship rights must be revoked, as he has betrayed the trust of guardianship granted in Islam.⁶⁰ Scholars of various Islamic schools of thought also emphasize that a guardian who commits such heinous acts should not only face punishment but also lose their custodial

⁵⁵ Ibn Al-Asy'ats Abu Daud Sulayman Ibn Ishaq Al-Azdi As-Sijistani, *Sunan Abu Daud, Kitab As-Shalah*, Juz 1 (Beirut-Libanon: Darul Kutub 'Ilmiyah, 1996).

⁵⁶ Imam Husein Abi Bakar bin Muhammad Taqiyuddin, *Kifayah Al-Akhyar Fi Halli Gayatil Ikhtiyar* (Beirut: Dar al-Kitab al-Ilmiyah, 1995).

⁵⁷ Al-Syatibi, *Al-Muwafaqat Fi Ushul al-Ahkam* (Kuwait: Wizarat al-Auqaf wa al-syu'un al-Islamiyah, 1993).

⁵⁸ Nala Ratih, Sutisna Sutisna, and Hambari Hambari, "Sexual Consent in the Elimination of Sexual Violence Perspectives of Feminist Legal Theory and Islamic Law: A Comparative Study.," *Mizan: Journal of Islamic Law* 7, no. 1 (June 30, 2023): 69, <https://doi.org/10.32507/mizan.v7i1.1854>.

⁵⁹ Natangsa Surbakti, Nerisia Bunga Samodra, and Marisa Kurnianingsih, "Stepchildren And Incest: Law Enforcement Efforts Against Sexual Abuse In Families (A Case Study on the Decisions of Wonogiri State Court, Idi Sharia Court, and Banda Aceh Sharia Court)," *Jurnal Jurisprudence* 12, no. 1 (October 31, 2022): 120–39, <https://doi.org/10.23917/jurisprudence.v12i1.1531>.

⁶⁰ Bariq Habibi, Tarmizi M Jakfar, and Hajarul Akbar, "Penyelesaian Perkara Hadhanah (Studi Terhadap Pertimbangan Hakim Pada Kasus No. 0138/Pdt.G/2015/Ms.Bna Dan No. 13/Pdt.G/2016/Ms.Aceh)," *El-Ussrah: Jurnal Hukum Keluarga* 4, no. 2 (December 31, 2021): 470, <https://doi.org/10.22373/ujhk.v4i2.7736>.

rights over the child. Therefore, in the interest of prevention, the state must seriously consider the determination of custody arrangements following divorce.⁶¹

It is important to emphasize that in the context of coastal communities in Indonesia, socio-cultural factors also have structural implications that weaken the protection of girls. Incestuous sexual violence is often concealed in the name of preserving the "honor of the family," while Islamic law norms regarding mahram protection, *qawwamah*, *hadhanah*, and the separation of sleeping spaces are not adequately internalized. This is where a gap exists between the ideal norms of Islamic law and social practices. Therefore, Islamic family law must be integrative in addressing violence and enhancing the effectiveness of Islamic law in protecting girls within the domestic sphere.

Conclusion

Cases of sexual violence in incestuous relationships are highly prevalent, particularly in coastal areas of Indonesia, triggered by poverty, communal living conditions, low levels of religious and moral education, and family dysfunction, resulting in young girls becoming victims of incest. Therefore, Islamic family law provides guidance for families, including: *First*, the concept of *qawwamah*, which entrusts husbands as protectors of the family preserving marital lineage and family relationships. *Second*, enforcing the separation of sleeping arrangements for children who have reached puberty. *Third*, the principle of *mu'āsharah bil ma'rūf*, which emphasizes living together in kindness and mutual respect. *Fourth*, the principle of *hadhanah* to ensure children are raised in a safe environment. This study highlights that preventing sexual violence in cases of incest requires efforts to promote religious values at the family level to raise awareness about the dangers of incest. It underscores the critical role of parents in nurturing families regarding moral boundaries in parent-child relationships. On the other hand, it encourages strengthening coordination between government institutions and private organizations to address cases of incestuous violence effectively.

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⁶¹ Djawas et al., "The Legal Position of Children of Incest (A Study of Madhhab Scholars and Compilation of Islamic Law)." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 1 (June 27, 2022): 139, <https://doi.org/10.22373/sjhk.v6i1.11904>.

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