

Domestic Crime from a Legal and Societal Perspective

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Abstract

This study examines sexual violence perpetrated by stepparents against children under their care as a form of failure of the child protection system within the family. It focuses on the dynamics of remarriage families, which often create power imbalances, making stepchildren, especially girls, highly vulnerable to violence. Using a normative and empirical approach, this study analyzes Undang Undang Nomor 35 Tahun 2014 tentang Perlindungan Anak and Undang Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual, and combines these with interview results and case studies in Parepare, South Sulawesi. The results indicate that sexual violence in stepfamilies is triggered by weak social control, the mother's economic dependence on her new husband, as well as a closed legal process and minimal victim recovery services. Therefore, integrated steps are needed, including legal reform, strengthening child protection institutions, and changing social culture so that every child is protected in a real, dignified, and just manner.

Keywords : Sexual Violence; Family Reconstitution; Child Protection

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Introduction

The presence of children in a household is a source of fundamental happiness for parents, but this happiness can turn into deep fear when the household faces conflict that ends in divorce.¹² In a sociological and legal context, children are often reduced to objects of dispute, not subjects who have rights, emotional interests and psychological needs that must be protected.³ This condition illustrates the imbalance between ideal legal values and social practices that place children as part of "joint assets" in divorce, not as individuals whose welfare must be guaranteed.

In the context of remarriage, single parents often hope that their new partner will treat their biological children better as compensation for the emotional wounds of divorce. However, this hope often leads to disappointment when new forms of domestic violence emerge, including sexual violence by stepparents. This phenomenon demonstrates the failure of social and legal norms to provide multiple layers of protection for children within reconstructed family structures.⁴ In some cases, remarriage actually becomes a space for the reproduction of violence due to weak social oversight and a lack of risk assessment mechanisms in establishing new families.⁵

Nationally, institutions such as the

¹ Syahril, M. A. F., Wiwin, W., & Negara, A. J. (2025). Contextualization of the Constitutional Court's Decision on Women's Inheritance

² Balla, H. (2022). Diversi: Anak yang berhadapan dengan hukum. *Jurnal Litigasi Amsir*, 9(3), 202-206.

³ Hidayat, R. R., Gandasari, N. M., & Ismail, F. F. P. (2024). Analisis Kriminologis terhadap Kasus Kekerasan Seksual pada Putri Sulung Pinkan Mambo oleh Ayah Tirinya. *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory*, 2(1), 93-108.

⁴ Syahril, M. A. F., & Hasan, N. (2025). Reconstructing Marriage Annulment in Dui'Pappenre within Bugis Customary Law. *Cosmopolitan Civil Societies: An Interdisciplinary Journal*, 17(3), 106-116.

⁵ Saleh, M., Renggong, R., & Hasan, Y. A. (2023). Analisis Perlindungan Hukum Kejahatan Pelecehan Seksual Terhadap Anak Di Parepare. *Indonesian Journal of Legality of Law*, 6(1), 24-30.

Indonesian Child Protection Commission (KPAI) and the National Commission for Child Protection (Komnas PA) record thousands of cases of child violence every year, with the largest proportion being sexual violence, which often occurs within the family environment.⁶ This data shows that child protection laws in Indonesia still face significant challenges in their implementation, particularly when the perpetrator is someone close to the victim. In a social context, weak community control, persistent patriarchal norms, and a culture of "protecting the family's good name" exacerbate the situation, causing many cases to be hidden from the public and law enforcement.⁷

Cases of sexual violence by stepfathers uncovered nationwide highlight two layers of problems: acts of violence that violate children's human rights, and court sentences that are often deemed too lenient and disproportionate to the victims' suffering. The Makassar Legal Aid Institute (LBH Makassar) (2020) assessed that the lack of a deterrent effect on perpetrators creates a bad precedent and undermines public trust in the legal system. A legal and societal perspective demonstrates that the weakness of the child protection system stems not only from a lack of legal instruments but also from a lack of social sensitivity to the victims' suffering and the absence of collective moral control within families and communities.

From a criminological perspective, sexual violence perpetrated by stepfathers can be explained by strain theory and social control theory. Strain arises when perpetrators face social pressures or new family roles that are disproportionate to their economic and emotional capabilities. Weak social control within the family, within the

individual, and within society opens up opportunities for deviant behaviour. Meanwhile, a feminist approach highlights the unequal power relations between men and women within the household, which makes girls more vulnerable to exploitation and violence.⁸ Therefore, sexual violence by stepfathers not only reflects individual deviance but also indicates structural distortions in the social and legal system.

In the realm of law and society, this issue demands a socio-legal approach that connects written norms with everyday social practices.⁹ Legally, Undang-Undang Nomor 35 Tahun 2014 tentang Perlindungan Anak dan Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual has provided a strong normative foundation. However, in practice, many cases demonstrate delayed responses by authorities, a lack of victim recovery facilities, and minimal gender sensitivity training among law enforcement officers.¹⁰ On the social side, the persistence of violence indicates that society has not fully acted as a "protective actor," due to the persistence of strong cultural values that place family honour above children's rights.

This study seeks to understand the relationship between law and society in responding to sexual violence by stepfathers against stepchildren through a comprehensive analysis of social, cultural,

⁸ Kurnianti, A. (2023). Tinjauan Kriminologis Terhadap Ayah Tiri Yang Melakukan Tindak Pidana Pemerkosaan Pada Penyandang Disabilitas di Kepolisian Resor Kabupaten Batanghari (Doctoral dissertation, Universitas Batanghari Jambi).

⁹ Syahril, M. A. F., Zainuddin, Z., Krivins, A., Wiwin, W., Hasan, N., & Hafid, H. L. A. (2025). Reconstructing Women's Status in Mowea Sarapu: Customary Divorce, Maqasid al-Shari'ah, and Gender Justice in Tolaki Muslim Legal Pluralism, Indonesia. *Jurnal Theologia*, 36(2), 311-326.

¹⁰ Alcantari, O. T. P. (2024). Strategi Dinas Pemberdayaan Perempuan dan Perlindungan Anak dalam penanganan kasus kekerasan terhadap anak di Kota Parepare Provinsi Sulawesi Selatan [Skripsi, Institut Pemerintahan Dalam Negeri]. Repositori Institut Pemerintahan Dalam Negeri. http://eprints.ipdn.ac.id/17117/1/REPOSITORY_ONNY%20TAMY%20PUTRI%20ALCANTARI_31.0839.pdf

⁶ Komisi Perlindungan Anak Indonesia. (2023, 2 Desember). Rakornas dan Ekspose KPAI 2023: Membangun Indonesia Bebas Kekerasan terhadap Anak. <https://www.kpai.go.id/publikasi/rakornas-dan-ekspose-kpai-2023>

⁷ Lembaga Bantuan Hukum Makassar. (2020, 6 Juli). Vonis ringan pelaku perkosaan anak di Pare-Pare: Aparat penegak hukum mencederai keadilan. <https://lbhmakassar.org/press-release/vonis-ringan-pelaku-perkosaan-anak-di-pare-pare>

and legal perspectives. A qualitative approach using interviews, observations, and legal data analysis was used to illustrate how legal structures interact with social values in shaping behaviour and responses to violence. The findings are expected to enrich the literature on family criminology and child protection law, while also providing a basis for more integrative and humane policy recommendations. The urgency of this research is particularly high, given that the increasing number of cases of child sexual violence within the family environment indicates the need for socio-legal reform so that child protection is not merely normative on paper, but also implemented and equitable.

Research methods

This research uses a combination of normative and empirical research, strengthened by a case study approach. Normative research is used to examine laws and regulations, such as Undang-Undang Nomor 35 Tahun 2014 tentang Perlindungan Anak, Undang-Undang Tindak Pidana Kekerasan Seksual, and court decisions relevant to cases of sexual violence by a stepfather against his stepdaughter in Parepare City. This analysis aims to assess the compliance of the application of the law with the principles of child protection and the child's best interests.¹¹

Empirical research was used to understand legal implementation and social dynamics through in-depth interviews with victims, mothers, law enforcement officers, UPTD PPA officers, community leaders, and legal counsellors. This empirical data was supplemented with a case-by-case approach to several cases in Parepare to explore patterns of violence, community responses, and the effectiveness of legal protection. The analysis was conducted qualitatively and descriptively, with triangulation of sources and methods to ensure data validity and generate a

comprehensive understanding of the relationship between legal norms and social realities on the ground.¹²

Analysis and Discussion

Patterns, Triggers, and Impacts of Parental Sexual Violence Against Stepchildren in Remarried Families

Sexual violence perpetrated by stepfathers against stepchildren is a form of violence based on power relations that are eliminated in the social structure and the failure of the legal protection system in family reconstitution (remarriage). This phenomenon cannot be considered a case study, but rather part of a pattern of violence that is developing systematically in many regions. Data from the Indonesian Child Protection Commission (KPAI) shows that every year, thousands of cases of sexual violence against children occur within the family environment, and the perpetrators are not only single individuals, but also biological parents and stepfathers.¹³ This situation confirms that the family, which ideally serves as a safe space for children to grow and develop, can actually become the primary locus of sexual victimization.

In the post-divorce family context, a new dimension of vulnerability emerges, making stepchildren easy targets for violence. Remarriage not only unites two adults but also creates a new social system vulnerable to power imbalances and role conflict.¹⁴ Stepchildren, especially daughters, often face emotional dislocation due to the lack of biological ties to their stepfathers, while they are socially expected

¹² Syarif, M., Ramadhani, R., Graha, M. A. W., Yanuaria, T., Muhtar, M. H., Asmah, N., ... & Jannah, M. (2024). Metode Penelitian Hukum

¹³ Bahri, A., dkk. (2023). Tinjauan kriminologis terhadap tindak pidana persetubuhan yang dilakukan oleh ayah terhadap anak tirinya di Kecamatan Abeli Kota Kendari [Skripsi, Universitas Muhammadiyah Buton]. Repository Universitas Muhammadiyah Buton.

<https://repository.umb.ac.id/2072/>

¹⁴ Syahril, M. A. F., & Hasrianti, H. (2024). Parental Divorce: How to Ensure Child Support Rights are Protected?. Jurnal litigasi amsir, 92-102.

¹¹ Juliardi, B., Runtuuwu, Y. B., Musthofa, M. H., TL, A. D., Asriyani, A., Hazmi, R. M., ... & Samara, M. R. (2023). Metode penelitian hukum. CV. Gita Lentera.

to act as full family members. In a patriarchal society where men are positioned as authoritative figures, a stepfather's extensive physical access and social legitimacy heighten the potential for sexual violence.¹⁵ This phenomenon is exacerbated by the weak function of internal social control in families and the low level of community involvement in monitoring child welfare.

From a criminological perspective, stepfathers' sexual violence against children can be explained through social control theory and patriarchal theory. Hirschi's social control theory asserts that deviant behaviour develops when social bonds between individuals and society weaken. In rehabilitated families, the fragile emotional bond between stepfather and stepdaughter, along with weak supervision from the mother or the surrounding community, creates a moral gap that allows violence to occur. On the other hand, patriarchal and feminist theories explain that men's structural power within the family provides symbolic legitimacy that normalizes the dominance and subordination of women and girls, including stepdaughters. When biological mothers are economically dependent on their new husbands, their bargaining position weakens, giving perpetrators free rein to exercise control and violence.¹⁶

From a legal perspective, sexual violence committed by stepfathers against stepchildren is regulated in several legal instruments. Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual (UU TPKS) emphasized that sexual violence is a serious crime and must receive special treatment in the criminal justice process, Undang-Undang Nomor 35 Tahun 2014 tentang Perlindungan Anak The state requires the state to guarantee the

protection of every child from all forms of physical and psychological violence, including sexual exploitation in the household. Article 81 of the UUPA provides a maximum penalty of 15 years in prison for perpetrators who have family ties or are responsible for the victim.¹⁷ Therefore, stepfathers as perpetrators of sexual violence are not only violators of moral norms but also perpetrators of serious violations of the constitutional mandate for child protection.

Empirically, obstacles arise in the realm of legal implementation. Nearly all cases of child sexual violence, including those involving stepfathers, are classified as closed to the public. This serves to protect the privacy of victims and maintain public morality, but has the impact of limiting public access to data and legal decisions.¹⁸ Lack of documentation in Sistem Informasi Penelusuran Perkara (SIPP) The Supreme Court and the Directory of Decisions make it difficult to conduct empirical legal mapping on family-based sexual violence. Consequently, research institutions, legal aid organizations, and the media have become the primary sources of alternative data collection.

Based on research by LBH Makassar (2020) and secondary data from the police and online media, an average of one case of sexual violence against children occurred monthly over the past two years, while sexual violence by stepparents was last officially identified in 2020. Nationally, there have been at least 60 documented cases of sexual violence by stepfathers against stepchildren, while in South Sulawesi Province, two cases were recorded, with six others not reported in the media. The following table illustrates the comparison of the number of reported cases:

¹⁵ Bahri, A., dkk. (2023). Tinjauan kriminologis terhadap tindak pidana persetubuhan yang dilakukan oleh ayah terhadap anak tirinya di Kecamatan Abeli Kota Kendari [Skripsi, Universitas Muhammadiyah Buton]. Repository Universitas Muhammadiyah Buton.
<https://repository.umb.ac.id/2072/>

¹⁶ Sari, R. (2021). Perspektif kriminologi feminis terhadap kekerasan seksual dalam keluarga.

¹⁷ *Vide* Pasal 81 Undang-Undang Nomor 35 Tahun 2014 tentang Perlindungan Anak

¹⁸ Lembaga Bantuan Hukum Makassar. (2020, 6 Juli). Vonis ringan pelaku perkosaan anak di Pare-Pare: Aparat penegak hukum mencederai keadilan.
<https://lbhmakassar.org/press-release/vonis-ringan-pelaku-perkosaan-anak-di-pare-pare>

Region	Year	Number of Cases	Primary Data Source
National	2020–2023	60 cases	KPAI, Komnas PA, Media Nasional
South Sulawesi	2020–2023	2 cases reported, 6 not published	LBH Makassar, Kepolisian, Media Lokal

The above pattern confirms that the absence of data does not necessarily mean the absence of cases, but rather reflects weak public reporting and a culture of silence at the family level. Structural barriers such as shame, economic dependence, and child-unfriendly legal mechanisms prevent many cases from ever reaching the formal legal process.¹⁹ At the societal level, a lack of legal education and minimal community social function exacerbate the situation, rendering the household a private space closed off from social scrutiny.

Multidimensionally, parental sexual violence against stepchildren illustrates a complex interaction between legal, social, and criminological factors. It is not simply a deviant act based on individual morality, but also a systemic symptom of a weak legal culture and social control in society.²⁰ Thus, a solution to this phenomenon requires an integrative approach to law and society: victim-centred law enforcement reform, public education on children's rights, and strengthening local cultural values that encourage communities to act as shared moral guardians. Such a transformation can narrow the opportunities for perpetrators to abuse domestic power and break the cycle of violence inherited within reconditioned families.

¹⁹ Karim, K., Laga, A., & Syahril, A. F. (2024). Inheritance Rights of Children Leased by Womb in Civil Law Perspective. *European Journal of Privacy Law & Technologies*.

²⁰ Natsir, M., Syam, E. S., Tijang, B., & Purwanda, S. (2025). *Perlindungan Hukum Korban Kekerasan Seksual TPPO*. *Ipsa Jure*, 2(11), 15-23.

Analysis of Cases of Sexual Violence against Stepchildren in Parepare City

The case of sexual violence against two girls aged 10 and 8 by a stepfather who works as a shaman in Parepare City in 2020 illustrates the complex integration of individual, family, social, and structural factors in giving rise to this form of domestic sexual violence. Based on police reports and local media investigations, the perpetrator with the initials S, aged 44, was arrested after it was revealed that he had repeatedly had sexual intercourse with his two stepdaughters since 2019, accompanied by threats of death if the victims refused.^{21,22} This fact reveals a multi-layered pattern of violence encompassing physical, psychological, and sexual elements, while also reinforcing the picture of extreme power imbalance within the household, where the perpetrator used his authority as a stepfather to dominate, threaten, and control the victim.

The disclosure of this case through the victim's grandmother's report demonstrates common characteristics of child sexual abuse that are difficult to detect in the early stages. This pattern of indirect reporting occurs because victims are often overcome by fear, guilt, and emotional dependence on the perpetrator, who is socially considered a "protective father." This pattern also demonstrates the weakness of the family's internal social control system and the lack of a safe space for children to speak up, either with their biological mother or law enforcement officials.²³ In such circumstances, the

²¹ DetikNews. (2020, 27 November). Diduga cabuli dua anak tiri, dukun di Parepare Sulsel ditangkap polisi. <https://news.detik.com/berita/d-5271862>

²² Rakyatku News. (2020, 28 November). Dukun di Parepare cabuli dua anak tirinya. <https://rakyatku.com/read/192606>

Karim, K., Laga, A., & Syahril, A. F. (2024). Inheritance Rights of Children Leased by Womb in Civil Law Perspective. *European Journal of Privacy Law & Technologies*.²³ Bahri, A., dkk. (2023). Tinjauan kriminologis terhadap tindak pidana persetubuhan yang dilakukan oleh ayah terhadap anak tirinya di Kecamatan Abeli Kota Kendari [Skripsi, Universitas Muhammadiyah Buton]. Repository Universitas Muhammadiyah Buton.

duration of victimization is prolonged because victims experience not only physical violence but also emotional subjugation, which hinders their courage to reveal the truth.

Furthermore, the cultural context of Parepare presents additional meanings that emphasize the connection between local traditions and perceptions of stepchildren. Interviews with local community leaders revealed an ancient belief that children from previous marriages should not live with stepparents. This belief is rooted in the mystical belief that stepchildren can become "objects for enhancing one's black magic." Although this view has faded in modern society, remnants of these values and beliefs persist as "moral advice" without a complete historical explanation.²⁴ In this context, this tradition actually functions as a culturally based social protection mechanism, albeit with a loss of preventive power due to changing interpretations and weak legal and moral education in society.

The shaman's profession also has important sociological significance. In most local communities, shamans are often positioned as figures possessing specialized knowledge, spiritual power, and high social prestige. This social status can reinforce the perpetrator's dominance in both private and public spaces, as society tends to be reluctant to reprimand or address their behaviour. This aligns with subcultural theory, which explains that values embedded in local cultures can serve as a covert justification for deviant behavior in certain environments.²⁵ In this case, myth and symbolic status serve as factors that weaken social resistance to the perpetrator's actions and normalize patriarchal power at the family level.

The perpetrator's behaviour can be understood through the theories of anomie and strain,²⁶ where changes in family

structure due to divorce and remarriage create social tensions that have the potential to lead to deviant behaviour. The perpetrator's inability to adjust to his new role as a protective stepfather actually leads to abuse of authority. On the other hand, opportunities in the form of physical proximity, private access, and weak supervision allow sexual violence to occur. This theory is combined with structural violence theory, which explains that violence often thrives within unjust social structures, including patriarchy and the mother's economic dependence on the perpetrator.²⁷ In this case, the violence arises not from a single individual's deviance, but rather as a result of structural interactions involving social, economic, and gender pressures.

From a legal perspective, the perpetrator's actions fulfil the elements of the crime of sexual violence against children as stipulated in Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS) and Undang-Undang Nomor 35 Tahun 2014 tentang Perlindungan Anak (changes to UU No. 23 Tahun 2002). In Pasal 81 of UUPA, it is explained that perpetrators of sexual violence against minors can be subject to a maximum sentence of 15 years in prison, and the victim's family relationship or responsibility towards the victim is an aggravating circumstance.²⁸ The trial was held behind closed doors to protect the rights of child victims as regulated in the Criminal Procedure Code and Peraturan Mahkamah Agung No. 3 Tahun 2017. However, this system also creates limitations in public documentation because decisions are not always uploaded in Direktori Putusan Mahkamah Agung.²⁹

American Sociological Review, 3(5), 672–682.

²⁷ Sari, R. (2021). Perspektif kriminologi feminis terhadap kekerasan seksual dalam keluarga.

²⁸ *Vide* Pasal 81 Undang-Undang Nomor 35 Tahun 2014 tentang Perlindungan Anak

²⁹ Lembaga Bantuan Hukum Makassar. (2020, 6 Juli). Vonis ringan pelaku perkosaan anak di Pare-Pare: Aparat penegak hukum mencederai keadilan. <https://lbhmakassar.org/press-release/vonis-ringin-pelaku-perkosaan-anak-di-pare-pare>

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²⁴ Wawancara dengan Puang Doli. (2023, 15 Maret). Kepercayaan lokal tentang larangan membawa anak dalam pernikahan kembali di Kelurahan Cappa Galung, Kota Parepare. Dokumentasi peneliti.

²⁵ Cohen, A. K. (1955). *Delinquent boys: The culture of the gang*. Glencoe, IL: Free Press.

²⁶ Merton, R. K. (1938). *Social structure and anomie*.

As a result, cases of sexual violence against stepchildren like this often escape national databases and are only recognized by the public through media coverage.

The 2020 Parepare case reflects the interaction of various factors causing violence in reconstructed families. It demonstrates that sexual violence is not solely driven by biological motives, but is also linked to social dynamics such as changing family structures, emotional dislocation for children, cultural narratives, and a closed legal system. Gender inequality, mothers' economic dependence, and weak legal awareness education exacerbate the cycle of child victimization within households. Therefore, prevention and response efforts require a multidimensional strategy: strengthening evidence-based law enforcement, strengthening the role of local child support institutions, and revitalizing cultural values as a mechanism for community moral control. Without these comprehensive measures, sexual violence against stepchildren will continue to be a recurring "silent crime" within the domestic space of reconstructed families.

Conclusion

Sexual violence by stepparents against children under their care reflects the failure of child protection systems within families and society. Households, which should be safe spaces, have instead become places of domination and violence due to strong patriarchy, economic dependency, and weak social control. Children in reconstituted families, especially girls, are particularly vulnerable due to the lack of emotional ties with stepparents and the lack of protection from their surrounding environment. This phenomenon demonstrates that sexual violence is not solely caused by individual behaviour but is also rooted in social inequality and the weak enforcement of justice for children.

Although Indonesia has a strong legal basis through Undang-Undang Nomor 35 Tahun 2014 tentang Perlindungan Anak and Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual,

Its implementation is still suboptimal. Slow handling, limited victim recovery services, and low community participation make child protection ineffective. Concrete reform measures are needed, including strengthening law enforcement, gender awareness education, and the active involvement of families and communities, so that child protection does not stop at the legal level but is truly present in a just and safe social life for every child.

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Conflict of Interest Statement:

The author declares that the research was conducted without any commercial or financial relationships that could potentially create a conflict of interest.

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