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Indirect Victims of Child Sexual Violence, Victimology, International Human Rights Standards and Indonesia's Protection Gaps for Helpers Facing Defamation Claims: With a Limited Comparative Reference to Malaysia

Korban Tidak Langsung dalam Kekerasan Seksual terhadap Anak Dalam Perspektif Viktimologi, Standar HAM Internasional, dan Kesenjangan Perlindungan Hukum bagi Pihak yang Membantu Korban dari Tuntutan Pencemaran Nama Baik : Studi Komparatif Terbatas dengan Malaysia

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Abstract
Adults who help children disclose, escape or report sexual violence are sometimes answered with criminal defamation or false-complaint reports filed by the alleged perpetrators, a pattern consistent with strategic lawsuits against public participation (SLAPPs). This article asks how victimology and international human rights law position such helpers, and how far Indonesian law, read with a limited comparison to Malaysia, protects them. Using normative legal research with statutory, conceptual and limited functional-comparative approaches, it makes four findings. First, helpers are best classed as indirect victims under the 1985 UN Declaration (Part A para. 2 and Part B on abuse of power) and, functionally, as human rights defenders, not as "secondary victims" in the sense of secondary victimisation. Second, ICCPR art. 19, the CRC and the OPSC oblige states to confine criminal defamation and to protect child victims' supporters from retaliation, though protection of helpers follows by interpretation. Third, Law No. 3 of 2026 (art. 10), Law No. 12 of 2022 (arts. 29, 69(g)) and the 2023 Criminal Code already provide safeguards, but protection is channel-dependent: it favours formal reporters, leaves public disclosure and informal helping uncertain, sets no good-faith standard and offers no early-dismissal mechanism. Fourth, Malaysia shows that duty-to-report and informer-immunity provisions can diverge in scope, while Penal Code s. 499 offers a model for good-faith exceptions. Findings 1, 2 answer research question 1; findings 3, 4 answer research question 2. The article proposes a statutory immunity clause, a reasonable-belief test for protected public disclosure, and implementing rules with early dismissal..

Abstrak
Orang dewasa yang membantu anak mengungkap, keluar dari situasi, atau melaporkan kekerasan seksual kadang dibalas dengan laporan pencemaran nama baik atau laporan palsu dari terduga pelaku, suatu pola yang sejalan dengan gugatan strategis untuk membungkam partisipasi publik (SLAPP). Artikel ini menanyakan bagaimana viktimologi dan hukum HAM internasional memosisikan para penolong tersebut, dan sejauh mana hukum Indonesia, dengan perbandingan terbatas terhadap Malaysia, melindungi mereka. Dengan penelitian hukum normatif melalui pendekatan perundang-undangan, konseptual, dan perbandingan fungsional terbatas, artikel ini menghasilkan empat temuan. Pertama, penolong paling tepat diklasifikasikan sebagai korban tidak langsung menurut Deklarasi PBB 1985 (Bagian A angka 2 dan Bagian B tentang penyalahgunaan kekuasaan) dan, secara fungsional, sebagai pembela hak asasi manusia, bukan "korban sekunder" dalam arti viktimisasi sekunder. Kedua, Pasal 19 ICCPR, KHA, dan OPSC mewajibkan negara membatasi pemidanaan pencemaran nama baik dan melindungi pendukung korban anak dari pembalasan, meskipun perlindungan penolong diperoleh melalui penafsiran. Ketiga, UU No. 3 Tahun 2026 (Pasal 10), UU No. 12 Tahun 2022 (Pasal 29 dan Pasal 69 huruf g), serta KUHP 2023

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sudah memuat pengaman, tetapi perlindungan bergantung berdasarkan pada: lebih menguntungkan pelapor formal, tidak ada kepastian bagi pengungkapan publik dan bantuan informal, tidak menetapkan standar iktikad baik, dan belum memiliki mekanisme penghentian dini. Keempat, Malaysia menunjukkan bahwa kewajiban melapor dan kekebalan pemberi informasi dapat berbeda cakupan, sementara Penal Code s. 499 menyediakan model pengecualian beriktikad baik. Temuan 1–2 menjawab rumusan masalah 1; temuan 3–4 menjawab rumusan masalah 2. Artikel ini mengusulkan klausul kekebalan, uji keyakinan yang beralasan bagi pengungkapan publik yang dilindungi, serta aturan pelaksana dengan penghentian dini.

INTRODUCTION

Sexual violence against children is specifically one grave violation of children's rights with lasting results, above all for mental health, to a significant degree; in fact, childhood sexual abuse is linked by a second umbrella review to the range of later mental disorders, spanning post-traumatic stress disorder, and further research documents psychological trauma, isolation and anxiety[1], broadly speaking. States are needed by the Convention on the Rights of the Child (CRC) to protect children from all forms of physical or mental violence, covering sexual abuse (art. 19(1)), and from all forms of sexual exploitation and abuse (art. 34)[2]. Along these dimensions, indonesia authorized this Convention by Presidential Decree No. 36 of 1990 and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC) by Law No. 10 of 2012[3]. The 2024 National Survey of Children and Adolescents' Life Experiences (Survei Nasional Pengalaman Hidup Anak dan Remaja, SNPHAR) reports that 50.78 per cent of children aged 13-17 had experienced some form of violence in their lifetime; for sexual violence specifically, any lifetime prevalence of 8.57 per cent and a twelve-month prevalence of 4.15 per cent in the same age group are reported by the survey[4].

Children who can't easily report for themselves often rest on adults around them, such as relatives, neighbours, teachers or counsellors, to detect, believe and act; this research calls all these adults helpers, such as persons who act to help any child disclose, leave or report the situation of sexual violence, whether or not they hold a second formal legal status as reporter, witness or companion, in many respects. Building on this observation, helpers are exposed when the supposed perpetrator has social authority, as one relative, teacher or religious figure may have, and responds with a defamation report, an accusation of "taking away someone else's child", or an attack on the helper's reputation, in real-world scenarios; the burden of revealing that this accusation was true is then carried by the helper[5], The recent Indonesian episode is, put simply, revealing the hurdle without proving another pattern. On 2 February 2026 one parent told Commission XIII of the House of Representatives that the suspect and any private school in

[1] Helen P Hailes et al., "Long-Term Outcomes of Childhood Sexual Abuse: An Umbrella Review," *The Lancet Psychiatry* 6, no. 10 (October 1, 2019): 830–39, https://doi.org/10.1016/S2215-0366(19)30286-X.

[2] C Whalen, "Article 19: The Right to Protection from All Forms of Violence," *Monitoring State Compliance with the UN Convention on the Rights of the Child*, 2022, https://doi.org/10.1007/978-3-030-84647-3_30.

[3] Keputusan Presiden Nomor 36 Tahun 1990 tentang Pengesahan Convention on the Rights of the Child Presidential Decree No. 36 of 1990 on the Ratification of the Convention on the Rights of the Child; Undang-Undang Nomor 10 Tahun 2012 tentang Pengesahan Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography Law No. 10 of 2012.

[4] Ministry of Women's Empowerment and Child Protection and Central Statistics Agency, Survei Nasional Pengalaman Hidup Anak dan Remaja (SNPHAR) 2024 (Jakarta, 2024), infographic summary, https://www.kemenpppa.go.id/assets/files/infografis/20260122_040910_SNPHAR%202024.pdf; Anita Permata Dewi, "Kekerasan emosional tercatat menjadi jenis kekerasan paling tinggi yang terjadi pada anak," ANTARA, October 2024, https://www.antaranews.com/berita/4382610/kemenpppa-prevalensi-kekerasan-terhadap-anak-2024-naik-dibanding-2021.

[5] Michelle Harradine, "Defamation Law and Epistemic Harm in the #MeToo Era," Australian Feminist Law Journal 48, no. 1 (January 2, 2022): 31–55, https://doi.org/10.1080/13200968.2022.2146303.

Bekasi were demanding IDR 10 trillion from the family; he said the demand rested on a police report for defamation against this parent, and that the school had refused to issue the child a transfer letter[6], in real-world scenarios. From this perspective, press reports do not make clear whether the demand was a civil claim, a damages demand attached to a criminal complaint, or an extra-judicial demand, and the legal effects of every differ, on the whole. The episode is therefore applied here as an illustration only.

Systematic Indonesian indication on the criminalisation of helpers has not, to the authors' knowledge, been gathered. Comparative research uncovers that the concern is real. In one survey of 619 mandated reporters of child maltreatment in the United States, 27.1 percent had experienced retaliation, most routinely harassment, and experienced or witnessed retaliation reduced willingness to report[7]. Gray's study of Canadian defamation litigation argues that suits against people who share sexual violence are any means of silencing them, and one more Japanese case report documents digital harassment of the clinician after a mandatory report. The idea of the strategic lawsuit against public participation (SLAPP) was formulated by Pring and Canan[8]. Indonesia already recognises an anti-SLAPP norm for environmental defenders: art. 66 of Law No. 32 of 2009 offers that those who fight for a good and healthy environment may not be prosecuted or sued, and Supreme Court Regulation No. 1 of 2023 (arts. 76-78) supplies method for dealing with such claims at an early stage. The question that follows is why protection of this kind has been built for environmental defenders but not for people who help child victims of sexual violence

The legal framework has, in effect, also just changed; indeed, the 2023 Criminal Code (Law No. 1 of 2023) entered into the force on 2 January 2026 and now regulates defamation (art, 433) and badmouth (art. 434), The online defamation offence of art. Taken together, 27A of the Electronic Information and Transactions (ITE) Law[9], inserted by Law No. 1 of 2024, was by the government's own account designed to operate only until the Code took effect, one further transition regulated in art, to a significant degree. II of Law No. 1 of 2024, Witness and victim protection is now controlled by Law No. 3 of 2026, in force since 20 May 2026, which replaced Law No. 13 of 2006 as modified in 2014, in actual application, and Law No. 12 of 2022 on Sexual Violence Crimes (the TPKS Law) is protecting companions (art, 29) and victims and reporters (art. 69(g))[10], The Child Protection Law recognises public participation in child protection (arts, 20 and 72), of which helping the child is any second expression[11], in fact, to the best of the authors'

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[6] "Orang Tua Korban Kekerasan Seksual Anak Cari Keadilan ke DPR," RRI, February 2, 2026, https://rri.co.id/nasional/2154438/orang-tua-korban-kekerasan-seksual-anak-cari-keadilan-ke-dpr; DPR RI, "Rieke Diah Pitaloka: Penegakan Hukum Harus Bersisi pada Korban Kekerasan Seksual Anak," DPR RI Parliamentary News, February 3, 2026, https://emedia.dpr.go.id/news/2026/02/03/rieke-diah-pitaloka-penegakan-hukum-harus-bersisi-pada-korban-kekerasan-seksual-anak.

[7] Maryam S Khan, "Mandi Gray: Suing for Silence: Sexual Violence and Defamation Law," *Feminist Legal Studies* 33, no. 2 (2025): 235–38, https://doi.org/10.1007/s10691-025-09568-1.

[8] G W Pring and P Canan, *SLAPPs: Getting Sued for Speaking Out*, SLAPPs: Getting Sued for Speaking Out (Temple University Press, 1996).

[9] Adi Darmawansyah et al., "A Juridical Review of Cybercrime and Defamation under Indonesia's Law No. 1 of 2024 on Electronic Information and Transactions," *Journal of Law and Humanity Studies* 2, no. 2 (2026): 55–61, https://doi.org/10.59613/sma02p73.

[10] Elpisina Elpisina, Bahrul Ulum, and Yuliatin Yuliatin, "Reconstruction of the Law on the Protection of Witnesses and Victims of Sexual Violence: An Analysis of the Effectiveness of the Witness and Victim Protection Institution (Lpsk) From the Perspective of Maqashid Syariah," *Multidisciplinary Indonesian Center Journal (MICJO)* 3, no. 3 (2026): 3530–38, https://doi.org/10.62567/micjo.v3i3.2482.

[11] Eli Ismayanti, Muhammad Gary Gagarin Akbar, and Muhamad Abas, "Legal Protection for Victims of Sexual Violence Categorized as Disabled (Case Study of Karawang Task Force on Perpetrators of Sexual Violence Against ODGJ)," *Journal of Law, Politic and Humanities* 5, no. 5 (2025): 3957–64, https://doi.org/10.38035/jlph.v5i5.1996.

knowledge, all these protections have not yet been read together from standpoint of victimology and international human rights standards for helpers of child victims.

Previous research frameworks the barrier from other angles. Nasution and Putri assessed whistleblowers of sexual harassment in universities and concluded that, although the witness and victim protection law and the TPKS Law are offering the basis for protection, whistleblowers remain exposed to the ITE Law's defamation provision; their study predates Law No. 3 of 2026 and concerns campuses[12], to a significant degree. Within this framework, malaysian scholarship has interrogated the scope and execution of the Sexual Offences Against Children Act 2017 (Act 792) and has criticised this Whistleblower Protection Act 2010 (Act 711) for protecting only disclosures made to enforcement agencies, without connecting either to helpers of child victims, in actual application[13]. Sippel et al (2023) through a survey of 619 mandatory reporters of child sexual abuse cases in the United States, found that some respondents experienced retaliation, harassment, identity disclosure, and civil lawsuits, in this case causing a decrease in willingness to report.[14]Gray (2024) shows that defamation suits are used against victims and advocates of sexual assault victims in Canada and suggests that they be understood as SLAPPs, but his study does not focus on child victims or on Indonesian and Malaysian law[15],while research into the 2010 Whistleblower Protection Act highlights the requirement for disclosure only to law enforcement agencies as a barrier to protection.[16], without connecting with helpers/rescuers of child victims of sexual violence.

Unlike Nasution and Putri, who are framing the hurdle as the vulnerability of whistleblowers on campus, this article argues Indonesian protection for helpers of child victims is channel-dependent, like it attaches to the formal act of reporting to law enforcement or appointed bodies, in actual application. Along these dimensions, simultaneously, the do that most often is triggering retaliation, specifically informal help and public disclosure, sits in any zone of legal uncertainty; it is suggesting the reasonable-belief test to solve that uncertainty, on the whole. Two supporting advancements are following. The article re-grounds helpers' status in the indirect-victim concept of the 1985 UN Declaration, encompassing its Part B on abuse of power, and in the functional definition of human rights defenders. And it is using Malaysia, as one approach and not as a second claim of novelty, to test how duty-to-report rules, informer immunity and good-faith defamation exceptions interact.

This research provides several novelties. First, this research uses the 1985 UN Declaration on the Basic Principles of Justice for Victims of Crime and Abuse of Power as a conceptual anchor for the position of rescuers as secondary victims.[17], Second, this study maps the witness and victim protection regime according to Law Number 3 of 2026 and the new Criminal Code, Third, this study differentiates reporting to law enforcement officials from publication to the public, because both receive different legal protection, Fourth, this study refers to a limited comparison with

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[12] Syafira Dwi Putri Ade Khairani Nasution, "PERLINDUNGAN HUKUM BAGI WHISTLEBLOWER DALAM MENGUNGKAP KASUS PELECEHAN SEKSUAL DI KAMPUS : RISIKO KRIMINALISASI UU ITE," in *Seminar Nasional Hukum, Sosial Dan Ekonomi*, 2026, 695–701.

[13] Norazla Wahab, "Akta Kesalahan-Kesalahan Seksual Terhadap Kanak-Kanak 2017 : Penambahbaikan Perundangan Berkaitan Jenayah Seksual Terhadap Kanak-Kanak Di Malaysia," *Journal of Muwafaqat* 1, no. 1 (April 10, 2018).

[14] Abdul Munir et al., "Viktimisasi Sekunder Di Luar Sistem Peradilan Pidana : Bentuk," *Jurnal Kajian Pemerintah: Journal of Government, Social and Politics* 10, no. 2 (2024): 147–57.

[15] Khan, "Mandi Gray: Suing for Silence: Sexual Violence and Defamation Law."

[16] Hua Siong Wong, "Embracing the Corporate Governance and Whistleblowing in Malaysia: A Conceptual Review," Issues and Perspectives in Business and Social Sciences, 2023, https://doi.org/10.33093/ipbss.2023.3.2.1.

[17] Sebastián Galleguillos and Katheryne Pugliese, "The United Nations Victim Approach Revisited: A Review of the Literature on Sexual Assault and Gender-Based Violence Hotlines," Violence Against Women 28 (2022): 1858–72, https://doi.org/10.1177/10778012221086001.

Malaysia, which has a reporting obligation flow, thus providing a comparative perspective for the arrangement of rescuer protection in Indonesia.

Based on the description above, the problem formulation that was formed is,

1. How does victimology position the rescuer of child victims of sexual violence as a secondary victim when faced with a counter-report of defamation, and how does international human rights standards regulate the state's obligation to protect rescuers from legal retaliation?
2. To what extent does Indonesian positive law meet these standards, where are the gaps, and what lessons can be learned from Malaysian regulations, as a limited comparison, for strengthening rescuer protection in Indonesia?

RESEARCH METHODS

This is normative legal research that treats legal norms as its object[18]. It applies any statutory strategy (national and international instruments), the conceptual method (victimological doctrine on indirect victims and the notion of the human rights defender) and one curbed functional-comparative strategy to Malaysia. Malaysia was chosen because it is a common-law jurisdiction whose Penal Code includes thorough good-faith defamation exceptions, because its law forces a second allowed duty to report child sexual offences, and because it is, like Indonesia, bound by the CRC and the OPSC; unlike Indonesia, it is not a party to the ICCPR[19]. The comparison is limited, it rests on Malaysian legislation and secondary literature, and Malaysian law reports were not asked directly

Primary legal materials are the 1945 Constitution, statutes, Constitutional Court decisions, Supreme Court regulations, binding treaties and soft-law instruments, and Malaysian legislation, in real-world scenarios; indeed, secondary materials are books, journal articles and treaty-body broad comments. All the frameworks were gathered by library research; indeed, also indonesian legal texts were verified against formal or official-copy publications current to 30 October 2026, covering this official copy of Law No. 3 of 2026 and its Elucidation, on the whole. Taken together, the examination is, indeed, qualitative and prescriptive and answers the research questions in sequence.

DISCUSSION

1. Helpers in Victimology and International Human Rights Law

Terms used interchangeably in public discourse (rescuer, helper, reporter, companion, witness, whistleblower) have different legal consequences. These differences determine the protections that can be claimed.[20], Reporter is a person who submits a report or information to law enforcement officials regarding criminal acts, the basis for protection under Law Number 3 of 2026, Article 69 letter g of the TPKS Law, Informant Law No. 3 of 2026, art. 1(6) a person who confidentially provides accurate data or information to the competent related agency, Witness is a person who can provide information for the benefit of the criminal justice process, the basis of protection of Law Number 3 of 2026, Article 143 letter a of the new Criminal Procedure Code, Companion is a person or institution that formally accompanies the victim (for example, UPTD PPA, legal aid institution) the basis of protection of the TPKS Law and its implementing

[18] Putri Wulandari, "Normative Legal Research Methodology from the Experts' Perspective: A Comparative Analysis of Concepts and Approaches," *Archipel: Journal of Indonesian Interdisciplinary Studies* 1, no. 6 (2026): 12–25, https://doi.org/10.65739/archipel.v1i6.34.

[19] On treaty status, see United Nations Treaty Collection, "International Covenant on Civil and Political Rights," https://treaties.un.org.

[20] O Leclerc, "Overarmed or Underdressed? Whistleblowers between Anti-Discrimination Law and Freedom of Expression," International Journal of Discrimination and the Law 23 (2023): 265–82, https://doi.org/10.1177/13582291231154161.

regulations, indirect victim a person who suffers losses when helping the victim or preventing victimization, the basis of protection of the 1985 UN Declaration, Rescuer, the work category of this research, can have the status of reporter, witness, companion, or not have any formal status.

The word "secondary" is applied in at least three senses that are often confused, to a significant degree; the first is secondary victimisation, such as the additional suffering that primary victims experience from poor institutional or social responses[21], broadly speaking. The second is the indirect victim, including a second person who suffers harm on account of one crime against someone else or on account of acting to help this victim, and the third is secondary traumatic stress, the empathic fatigue of professionals exposed to client trauma. Only the second outlines the helper punished for helping; to avoid conflation this research is using indirect victim, which is both the Declaration's notion and the term in the victimological literature, and does not apply "secondary victim"[22].

The textual basis is typically para 2 of the 1985 Declaration (General Assembly Resolution 40/34): the term "victim" includes, where suitable, the immediate family or dependants of this direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimisation[23], in many respects. The recognition is textual, although it is soft law; it speaks of harm suffered, not of immunity from legal responsibility for unlawful run, on the whole. Classic victim typologies, which are assessing the victim's part in the crime event, were not designed for helpers, but victimology's attention to the relationship between offender, victim and social environment supplies any basis for reading one more counter-report as one extension of victimisation[24].

Two kinds of harm must be kept apart; harm intrinsic in the intervention (an injury sustained while shielding any child, threats, loss of work) is fitting Part A, para, on the whole. 2: it is resulting during and on account of the intervention against this crime, in real-world scenarios; and thus, harm from legal retaliation is distinct. A further defamation report is regularly in law the lawful act and not one crime, so the helper is not obviously the victim of a crime; also, the causal chain to the original sexual offence is interrupted by a second, autonomous act. Forcing the counter-report into Part A, para. 2 is therefore a weak reading.

One stronger route is, to a large extent, being offered by Part B of the Declaration. Its paras. 18-21 treat as victims those who suffer harm, through the acts or omissions that do not yet violate national criminal law, broadly speaking. Still violate internationally recognised norms of human rights; and thus, also states are invited by them to consider norms proscribing such abuses of power and providing fixes, to a significant degree. Under these conditions, any counter-report by the party with social authority (a school, foundation or religious figure) and aimed at silencing a second good-faith helper is better read as an abuse of legal process; it can engage the helper's freedom of expression, under ICCPR art. 19, which General Comment No. 34 needs states to protect against disproportionate apply of criminal defamation; also it has the arrangement that the SLAPP literature is outlining; this reading removes the need to prove a direct causal link to the sexual offence. Its limits should be stated, including Part B is soft law, para. 19 only is asking states to "consider" such norms; also the helper who knowingly is, in fact, making false accusations falls outside its logic. Its value is conceptual, as a vocabulary of recognition and fix.

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[21] Munir et al., "Viktimisasi Sekunder Di Luar Sistem Peradilan Pidana : Bentuk."

[22] Michael O'Connell, "Same, Same but Different: Preventing Crime and Preventing Victimisation," *Global Advances in Victimology and Psychological Studies* 1, no. 1 (2022): 7–19, https://doi.org/10.54945/gavps.v1i1.5.

[23] UN General Assembly, Declaration of Basic Principles, para. 2.

[24] Yosep Copertino Apaut and Redentor G. A. Obe, "Marital Rape as a Hidden Crime: A Victimological Analysis of Victim-Centered Justice in Indonesia," *INTEGRATION: Journal of Multidisciplinary Studies* 1, no. 2 (2026): 544–60, https://doi.org/10.65881/integration.v1i2.170.

This arrangement of human rights defenders is, strictly speaking, arguably the stronger basis for protection against retaliation. Also, the earlier hesitation about it was unnecessary. Art. 1 of the 1998 Declaration is giving the right "to promote and to strive for the protection and realisation of human rights" to everyone, individually and in association with others. Along these dimensions, also, the Declaration does not condition the status on membership of an organization[25], The Office of the High Commissioner for Human Rights defines defenders by what they do, not by who they are, and the scholarship notes the functional definition is broad and sometimes vague, which is one reason for care, not for exclusion[26], Any parent, teacher or neighbour who acts in good faith to secure the child's right to protection from sexual violence is predominantly running the function the Declaration is protecting. The Declaration also guarantees the freedom to share information and views on human rights (art. 6) and obliges the state to protect everyone against violence, threats, retaliation and unspecified action ensuing from the legitimate exercise of those rights (art. 12(2)), subject to shortcomings that are normally lawful (art. 17)[27].

Domestic buy is had by the framework. Law No. 3 of 2026 lists "activities in the context of defending human rights" among the special situations that are explaining LPSK protection and its Elucidation expands this to individuals, groups and organisations, the same rule is counting the power and position of the suspect, and the relationship of a person to a witness or victim facing threat, as pertinent factors[28], to a significant degree. Three cautions apply. The 1998 Declaration is commonly soft law. Along these dimensions, defender status is not an immunity from the ordinary law, and not every helper qualifies - the functional test asks whether the person acted in good faith to advance or protect the child's rights; this article therefore is making the defender framework the principal axis for research question 1 and treats the indirect-victim concept as its complement, supplying recognition and remedy.

1.1. Forms of Victimisation and the Chilling Effect

Three forms are taken by victimisation of helpers; and thus, the first is reverse criminalisation, including one report for defamation or the further offence after the helper has reported or spoken, on the whole. From this perspective, the second is attack on reputation, spanning false accusations and disclosure of personal information, chiefly online; the idea of epistemic injustice, this denial of any person's credibility as one more giver of information, has been applied to analyse secondary victimisation and is pertinent to helpers whose credibility is attacked[29], The third is social and professional sanction, such as ostracism or threat of dismissal. The second and third forms are not always criminal, but they impose a real psychological and social burden. The systemic result is a chilling effect: when people see helpers reported in return they are less willing to intervene[30], the number of unreported cases rises and perpetrators' impunity is reinforced. The only concrete evidence cited here is a United States survey, which cannot be generalised to Indonesia or Malaysia[31]

The instruments differ in force and are not treated alike; in fact, the CRC, the OPSC and the ICCPR bind Indonesia as one party (ICCPR by Law No. 12 of 2005), as does the UN

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[25] UN General Assembly, Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, GA Res. 53/144 (December 9, 1998), art. 1.

[26] Rhona Smith, "Human Rights Defenders," *Texts and Materials on International Human Rights*, 2019, https://doi.org/10.4324/9780429273476-10.

[27] UN General Assembly, Declaration on Human Rights Defenders, arts. 6, 12(2), 17

[28] Law No. 3 of 2026, art. 5(4)(c)–(e); Penjelasan atas Undang-Undang Nomor 3 Tahun 2026 [Elucidation of Law No. 3 of 2026], Tambahan Lembaran Negara Republik Indonesia No. 7179, art. 5(4).

[29] Harradine, "Defamation Law and Epistemic Harm in the #MeToo Era."

[30] Blaize Hiatt, "The Cultural Gagging of Women Through the Lens of Johnny Depp V. Amber Heard: How Prominent Male Abusers Use Defamation Claims as a Retaliatory Mechanism to Silence Their Victims," 2024, 1–44.

[31] Franne Sippel et al., "Mandatory Reporting and the Retaliation Factor," *Children and Youth Services Review* 144 (2023): 106747, https://doi.org/https://doi.org/10.1016/j.childyouth.2022.106747.

Convention against Corruption (UNCAC, Law No. 7 of 2006), whose art, in actual application. Taken together, 33 on protection of reporting persons is normally pertinent by analogy on account of its corruption focus[32], The 1985 Declaration, the ECOSOC Guidelines on child victims and witnesses (Resolution 2005/20) and the 1998 Declaration are, by definition, soft law that guides explanation, in real-world scenarios. Under these conditions, the Lanzarote Convention (arts. 12 and 31, on reporting and protection from intimidation) does not bind Indonesia, which is not one more party, in many respects, and also, the EU Whistleblower Directive is persuasive comparative practice only[33].

Art. 19(1) CRC is needing legislative and administrative, chiefly regarding social, with the focus on educational measures to protect children from violence including sexual abuse; art, to a significant degree. 34 needs protection from sexual exploitation and abuse. From this perspective, 19(2) calls for effective methods for identification, reporting, referral, inquiry, and treatment, with one more center on follow-up; and art, in many respects; in fact, the Committee on the Rights of the Child has said that reporting systems should be accessible and safe. Also, that one duty of due care is owed by states to prevent violence[34], Art. 8(1)(f) OPSC requires states to protect child victims, their families and witnesses on their behalf from intimidation and retaliation[35], Art. 8(1)(f) OPSC is needing states to protect child victims, their families and witnesses on their behalf from intimidation and retaliation, in many respects. Art. 19 ICCPR permits restrictions on expression that are commonly offered by law and essential to respect the rights or reputations of others (art, on the whole. 19(3)); General Comment No. 34 is asking states to craft defamation laws carefully, to admit truth and public interest as defences, to consider decriminalisation, and states that imprisonment is largely never one proper penalty (para. 47)[36]. None of the binding texts expressly prohibits retaliation against helpers. The obligation is derivative. Then one framework in which good-faith reporters can be criminalised defeats the purpose of art, if one more state must build any effective reporting system and protect child victims' witnesses from retaliation, on the whole. 19(2) CRC and art. 8(1)(f) OPSC. A criminal defamation sanction applied to good-faith child-protection speech crashes the necessity and proportionality test of art, in actual application. 19(3) ICCPR[37], Protection of helpers therefore is following from binding instruments by construal. During this period, soft law (the 1985 and 1998 Declarations, the ECOSOC Guidelines) is supplying its content; this explains the position it is not correct to say that protection rests only on soft law, in actual application. Within this framework, still, that the binding texts guarantee it expressly.

2. Indonesian Positive Law and Protection Gaps

2.1. Defamation Slander and Related Offence

[32] CRC; Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, May 25, 2000, 2171 UNTS 227; ICCPR; Undang-Undang Nomor 12 Tahun 2005 tentang Pengesahan International Covenant on Civil and Political Rights [Law No. 12 of 2005]; United Nations Convention against Corruption, October 31, 2003, 2349 UNTS 41, art. 33; Undang-Undang Nomor 7 Tahun 2006 tentang Pengesahan United Nations Convention against Corruption, 2003 [Law No. 7 of 2006].

[33] Andrea Kuhl, "Child Protection and Legal Standards for Children in Criminal Justice with Regards to the EU Strategy on the Rights of the Child," *Európai Tükör* 27, no. 1 (2024): 67–85, https://doi.org/10.32559/et.2024.1.4.

[34] Mariëlle R. Bruning and Jaap E. Doek, "Characteristics of an Effective Child Protection System in the European and International Contexts," *International Journal on Child Maltreatment: Research, Policy and Practice* 4, no. 3 (2021): 231–56, https://doi.org/10.1007/s42448-021-00079-5.

[35] Bruning and Doek.

[36] Leclerc, "Overarmed or Underdressed? Whistleblowers between Anti-Discrimination Law and Freedom of Expression."

[37] Suzzie Onyeka Oyakhire, "Protection of Victim-Witnesses of Human Rights Violations in Criminal Prosecutions in Nigeria," *The Transnational Human Rights Review* 8, no. 1 (2021): 61–87, https://doi.org/10.60082/2563-4631.1098.

Under art. 433(1) of the 2023 Criminal Code, defamation (pencemaran) consists in intentionally attacking a further person's honour or reputation by alleging something, with the aim that it become publicly known, and carries up to nine months' imprisonment or one more fine; art, on the whole. 433(2) is covering the written form[38], Art. 433(3) is supplying that the run is not punished if done in the public interest or out of necessity to defend oneself ,Slander (fitnah) under art, to a significant degree. 434(1) is emerging where the person charged is permitted to prove the accusation, crashes to do so, and also this accusation is, broadly speaking, contrary to what that person knows; it carries up to three years' imprisonment or the fine. Proof of truth is available only where the judge is studying it essential to assess one claim of public interest or self-defence, or where the blamed is any official acting in office (art. 434(2)), All these offences are prosecutable only on complaint of the person influenced; in fact, earlier drafting of the manuscript conflated the two offences: the opportunity to prove truth and the need that the accusation contradict the accused's own knowledge are elements of badmouth (art. In light of this dynamic, 434), not of defamation (art. 433).

Slander is, by definition, the principal danger for helpers. Under these conditions, where the sexual violence case is still undecided, or ends in acquittal for lack of indication, as many child sexual abuse cases do, the helper may (to a meaningful extent) be unable to prove the truth of the accusation, on the whole, but badmouth is needing that this accusation be contrary to what the speaker knows, in actual application. The firm question is therefore what the helper reasonably believed when acting, not whether the accusation was later proved; this is the basis of the reasonable-belief standard put forward in Part 6; the "reasonable grounds" language of UNCAC art. 33 is supporting it by analogy[39]. Other offences matter as well. The false-report and false-complaint rules of the 2023 Code (arts. 361 and 437, which replaced old arts. In parallel with this, 220 and 317) are understood, like their predecessors, to need knowledge of falsity, so that lack of intent is the defence, in actual application; indeed, on the contrary, any criminal process can begin before that element is tested, The helper who removes one child from the supervision of any person with lawful authority may be reported under art. 452, which carries up to six years' imprisonment or a second category IV fine. The protections of Law No. 3 of 2026 and the TPKS Law are textually directed at reports, statements and companionship, not at physical removal; whether they reach that run is an open question, and helpers must count on broad justifications of necessity and on immediate referral to the authorities or service bodies.

Chronology also is needing correcting. In this broader context, law No. 1 of 2023 (the Criminal Code) was announced on 2 January 2023, the year before Law No. 1 of 2024 (the second ITE amendment, 2 January 2024), in many respects; indeed, the government explained that the 2024 update adjusted the ITE offences as closely as possible to the new Code, because this Code would, in essence, take effect only in 2026, Art. 27A and its public-interest and self-defence exception (art. 45(7)) therefore mirror art. 433 and art. 27A remains pertinent through the transitional rules; from that date, defamation including online defamation is referred to this Code, in real-world scenarios; the Joint Decree on ITE Law guidelines, which treats assessments and opinions as external defamation, was drafted for the old provisions and its relevance to the new Code must be tested, on the whole. 433(3) of the Code; the Code did not "adopt" the ITE exception, and for acts committed before 2 January 2026.

On 29 April 2025 the Constitutional Court (Decision No. 105/PUU-XXII/2024) held that the phrase "orang lain" in art 27A and art 45(4) of the ITE Law may (to some degree) not be read to encompass government institutions, groups of persons with the particular identity, institutions, corporations, professions or positions, and recognized that art, in actual application. 433(1) of the

[38] Law No. 1 of 2023, art. 433(1)–(2).

[39] UNCAC, art. 33; Law No. 1 of 2023, art. 434(1).

Code is using this same phrase[40], the question is not yet settled whether that reading expands to art. 433, it matters because a second school or foundation that is complaining against one helper may lack standing as any victim of defamation; if the reading employs, only the natural person blamed, not the institution, can complain; the public-interest and self-defence exception is remaining open-textured and rests on the assessment of investigators, and nothing in the Code states that reporting or sharing supposed child sexual violence is automatically in the public interest.

2.2. Safeguards Currently in Force And Reassessing the Four Gaps

Law No. 3 of 2026, art. 10. Art. 10(1) gives witnesses, victims, cooperating offenders, reporters and informants who give statements, testimony or reports in good faith the right (a) not to be prosecuted or sued, criminally or civilly, for them, and (b) not to be discriminated against or authorized at work, in education or in other institutions. Art. 10(2) supplies that any legal action against them for that statement, testimony or report must be postponed until the case reported has been decided with final and binding force. Both paragraphs matter. The mandatory postponement is widely procedural protection, and the protection against approve by educational institutions bears directly on situations such as the withheld transfer letter in the Bekasi episode. "Informant" is now any protected category, which may offer one further route for helpers who are largely not formal reporters. Art. 58 ends the rights if this statement is primarily found not to have been given in good faith.

TPKS Law. Art. 29 offers that this companion under art. 28 legally protects while accompanying victims and witnesses. 26 who is principally handling one victim may (in actual operation) not be prosecuted or sued, criminally or civilly, for the accompaniment or service, unless it was given in bad faith, and art, in many respects. Art. 26(3) conditions the status on competence in human-rights-based handling and attendance at training. 26 lists LPSK officers, UPTD PPA officers, health workers, psychologists, social workers, psychiatrists, legal companions, community service providers and "other companions", and art, in real-world scenarios. Art 69(g) protects the victim and/or reporter from criminal prosecution or civil suit for the sexual violence crime that has been reported.

Child protection and public participation. The Child Protection Law places the obligation to protect children on the state and government, especially for parents (art. In this broader context, 20) and offers that society takes part in child protection, individually or in groups (art. 72); it is encompassing no immunity for those who do so, Law No. 3 of 2026 similarly recognises public participation in protection, spanning informing and helping witnesses and victims to report and accompanying them, and mentions "friends of witnesses and victims", with thorough rules to be made by government regulation (art. 69), The new Criminal Procedure Code (Law No. 20 of 2025) is also pertinent to the protection of reporters and witnesses.

The environmental precedent. Art. Under these conditions, 66 of Law No. 32 of 2009 protects persons who fight for a second good and healthy environment from criminal and civil action, in many respects; the experience of its application reveals any single immunity clause is not enough: it became workable only after Supreme Court Regulation No. 1 of 2023 (arts 76-78) created processes by which one defendant can raise the status of the environmental defender and derive early disposal of the claim, and after a ministerial regulation on legal protection of such

[40] Husni Mubarak, Aji Purnomo, and Riswandha Imawan, "Reconstruction of Legal Protection for Public Institutions in the ITE Law after The Constitutional Court Decision 105/PUU-XXII/2024," *Journal of Law, Administration, and Social Science* 6, no. 1 (2026): 25–41, https://doi.org/10.54957/jolas.v6i1.1996.

persons[41], in fact, what should be borrowed for helpers is, to be sure, therefore not only this wording of art. 66 but the whole procedural architecture.

Each is restated more precisely after examination of the instruments above, and then drafting spotted four gaps, in many respects, First Gap uncertain eligibility of informal helpers (not an absent category), and what we need to ask is whether a parent, teacher, neighbour or relative who shelters or helps a child without a formal function fits, broadly speaking. Law No. 3 of 2026 is protecting reporters and informants, and the TPKS Law protects companions, covering "other companions", in real-world scenarios. In fact, three textual hurdles are appearing. The status of "other companion" is typically subject to art. 26(3) conditions of competence and training that informal helpers will (to some degree) usually not meet. Art. 29 protects a companion handling a victim, which indicates a formal service context, and the definitions of reporter and informant look to a report or information given to law enforcement or the competent agency. The gap is so one of uncertainty at the margin, and the category of informant, which Law No. 3 of 2026 introduces and which hasn't yet been tested, may (in practical terms) bridge part of it[42].

Second Gap The protections attach to reports and testimony given in a criminal process, to accompaniment, and to sexual violence crimes "that have been reported". Not ever ever mind, public disclosure can be defended only, through the open public-interest exception in art, to a significant degree. 10(2) presupposes a reported case whose outcome can be awaited. If the helper has spoken first. The postponement rule in art. Public disclosure, whether on social media, to the press, in a school community or in parents' messaging groups, which is exactly what most often triggers defamation complaints, isn't clearly covered. And no case has been opened, there's nothing to wait for. 433(3), the application of which is generally left to investigators[43]

Third Gap Under Law No. 31 of 2014 the Elucidation of art. The Elucidation of art. 10 gave negative examples of statements not made in good faith (false statements, perjury, criminal conspiracy), broadly speaking. 10 of Law No. 3 of 2026 is, to a large extent, saying only "Cukup jelas" (self-explanatory). In fact, the gap is therefore not that coefficients are incomplete: there's now no definition at all, negative or positive, in real-world scenarios. 33, namely reasonable grounds to believe at the time of acting, which doesn't rest on the later outcome of the case. In fact, what's missing is, put simply, an affirmative standard of the kind found in UNCAC art. The postponement rule is helping but doesn't say whether study, naming as suspect or detention may (in actual operation) continue during the postponement. Art. 10(2) speaks of postponing "tuntutan hukum" (legal action), a term that's vague on this point[44].

Fourth Gap Exactly, protection is available only on application. Under Law No. 3 of 2026 LPSK may, in particular cases, grant protection before any application on its own assessment (art, in many respects. 53(1)). The Elucidation lists as such cases danger to physical, psychological or psychosocial safety, danger to life, and public attention, in actual application, and in an emergency figured out by LPSK (art, protection may, to some extent, also be granted immediately. Special-situation factors are encompassing the vulnerability of the person, the profile and power of the suspect, and human-rights-defending activity (art. 1(9), which includes threats through the digital space. 6(2)), and a defamation complaint may be a "threat" within art. 5(4))[45]. The remaining deficiencies are, more accurately, distinct, like there's no early-dismissal procedure comparable to

[41] Marchethy Riwani Diaz, Jennifer Kurnia Putri, and Jovita Bunga Jegiantho, "Penguatan Kebijakan Anti-SLAPP Dalam Mewujudkan Keadilan Lingkungan Di Indonesia," *Jurnal Magister Hukum ARGUMENTUM* 7, no. 2 (2022): 63–71, https://doi.org/10.24123/argu.v7i2.4919.

[42] Elpisina, Ulum, and Yuliatin, "Reconstruction of the Law on the Protection of Witnesses and Victims of Sexual Violence: An Analysis of the Effectiveness of the Witness and Victim Protection Institution (Lpsk) From the Perspective of Maqashid Syariah."

[43] Law No. 3 of 2026, arts. 1(5), 10(2); Law No. 12 of 2022, art. 69(g); Law No. 1 of 2023, art. 433(3).

[44] UNCAC, art. 33; Law No. 3 of 2026, art. 10(2).

[45] Law No. 3 of 2026, arts. 1(9), 5(4), 6(2), 53(1); Elucidation of Law No. 3 of 2026, art. 53(1).

Supreme Court Regulation No. 1 of 2023. Protection rests on a case existing in the criminal justice system and on LPSK's assessment of threat or special situation. Protection of a child is needing parental or guardian consent, with court-authorised exceptions (art, broadly speaking. 51(1)(d)). And the using regulations, which are often to be made, within two years of 20 May 2026 (art, on the whole. 54). LPSK is deciding applications within 21 working days (art. 74) and are passed on by several articles[46].

Indonesian law goes along to international standards at level of the axiom that defamation liability should admit a public-interest exception and that good-faith reporters should be protected from prosecution and suit. It doesn't fit in other respects, in real-world scenarios. Indeed, imprisonment is remaining the penalty for defamation and badmouth (up to three years for badmouth), to a significant degree. But still, the Human Rights Committee states that imprisonment is mainly never an fitting penalty. This is a mismatch of tenet, not only of setup[47], The gaps in channel, standard and mechanism described above mean that the state's duty of due diligence, the duty to prevent and respond effectively, has not been fully met for helpers[48].

Fitting these models to child sexual violence, public disclosure by a helper should be protected where the following conditions are met: (a) reasonable belief at the time of disclosure, based on identifiable facts such as the child's account, recognized signs or professional findings, and not on proof; (b) prior or concurrent resort to competent channels (police, UPTD PPA, LPSK, KPAI or the education authority), unless there are reasonable grounds to consider those channels ineffective, compromised or dangerous, as where the supposed perpetrator controls the institution; (c) drawback to related facts and presentation as allegation; (d) no disclosure of the child's identity or spotting details, in many respects, and (e) no predominant motive other than protecting the child, on the whole. Satisfaction of these conditions should be assessed objectively, and acquittal of the supposed perpetrator shouldn't by itself defeat protection, to a noticeable degree, in actual application. In fact, without such a test the claimed difference between channels is remaining a descriptive finding. With it, the difference becomes the basis of a rule, broadly speaking.

3. Comparative Reference to Malaysian

3.1 Reasons for Selection and International Framework

Malaysia was chosen as a limited comparator for two reasons. It belongs to the common-law family, with defamation regulated by the Penal Code. Whereas Indonesia's framework is working out from civil law. Yet both face the same functional issue, how to protect those who report or help child victims of sexual violence from criminalisation, in many respects, and Malaysia is typically bound by the CRC and the OPSC, so studying the obligation to protect employs there too, and isn't a party to the ICCPR, so art. 19 and General Comment No. 34 aren't binding on it, and its restrictions on expression derive from art. 10 of the Federal Constitution, which permits Parliament to restrict speech to offer against defamation.[49]

Malaysia has forced a duty to report on everyone. Under s. 19 of the Sexual Offences Against Children Act 2017 (Act 792, "SOACA 2017"), a person who crashes to inform on an offence under that Act, or on another person's intention to commit one, to the officer in charge

[46] Abdul Wahid, "The Urgency of Whistleblowers Legal Protection in the Criminal Justice System," *Fiat Justisia: Jurnal Ilmu Hukum* 16, no. 4 (2022): 353–70, https://doi.org/10.25041/fiatjustisia.v16no4.2660.

[47] Law No. 1 of 2023, arts. 433–34; UN Human Rights Committee, General Comment No. 34, para. 47.

[48] ICCPR, art. 14(2).

[49] On treaty status, see United Nations Treaty Collection, "International Covenant on Civil and Political Rights," https://treaties.un.org; Federal Constitution of Malaysia, art. 10(2)(a).

of the nearest police station commits an offence liable to a fine of up to RM5,000[50], The Minister in charge of legal affairs backed up in 2024 that schools and others who are hiding information can, to some extent, be prosecuted, under the rule. While assuring informants of legal protection[51], In spite of the law's enactment, statistics mentioned in the literature are showing 1,721 child sexual offences recorded between January and June 2022, a 42 percent rise on earlier years[52], and scholars have noted that no person had been prosecuted under the duty.

The assurance in formal statements isn't the same as a guarantee in the text of the law, on the whole. SOACA 2017 itself doesn't, on the secondary sources asked, encompass an articulate section protecting third-party informants against defamation suits, Child-specific informer protection is found elsewhere. Section 116 of the Child Act 2001 (Act 611, "Protection of informers"), as summarised in secondary sources, is offering that a person who is informing that a child is often in need of protection doesn't incur responsibility for defamation or otherwise and isn't in break of professional ethics. S. 27 of the same Act is usually distinct, forcing a duty on medical officers and registered practitioners to report suspected injury or sexual abuse, with a fine up to RM5,000 or imprisonment up to two years[53].

Two decisions tackled in the literature are showing how informal helpers can matter. In Mohd Romzan Ramli, a biological father who detected an 11-year-old's emotional and behavioural change filed a police report and arranged medical and psychological care. The step-father was convicted, in real-world scenarios. In Mohd Yani bin Che Dan, a school teacher who counselled a 16-year-old and wrote to the mother was part of a chain of events in which the mother tried to take back her report under the family pressure, but the studying officer refused the retraction and the father was convicted[54]. The cases show that justice may follow informal help if enforcement agencies don't allow serious reports to be withdrawn under the pressure. The literature criticises s. 27 for not generalizing the reporting duty to teachers and school staff, who are best placed to catch abuse, and notes that the circumstances of abuse listed in s. 17(2) are hard for non-medical third parties to use[55]. More accurately, support in English authority is had by the confidentiality of informants' identity, on the whole.

3.2 The Whistleblower Protection Act 2010

The WPA 2010 is pertinent to helpers, because it's Malaysia's general informer-protection law and defines improper conduct broadly enough, as a criminal or disciplinary offence breaking a law or code, to encompass sexual offences[56], It voids contractual terms that bar disclosure (s. 6(5)), protects the confidentiality of the informant's identity (ss. 7–8), grants immunity from civil and criminal action and disciplinary action, protects against detrimental action (ss. 7, 9 and 10), extends protection to related persons, criminalises retaliatory detrimental action, and reverses the

[50] Mahmud Abdul Jumaat and Sodiq Omoola, "Comparative Analysis of The Operational Guidelines or Rules Under the Sexual Offences Against Children in Malaysia and India," *Malaysian Journal of Social Sciences and Humanities (MJSSH)* 8, no. 6 (2023): e002351, https://doi.org/10.47405/mjssh.v8i6.2351.

[51] "'We'll Hunt You Down,' Law Minister Tells School Admins Hiding Sexual Offences," Free Malaysia Today, March 16, 2024, https://fmtv5.freemalaysiatoday.com/category/nation/2024/03/16/well-hunt-you-down-law-minister-tells-school-admins-hiding-sexual-offences.

[52] Tan Geok Mooi and Noor Aziah Mohd Awal, "Sexual Offences against Children Act 2017 (Act 792) - A Boost to Police Investigation and Prosecution," *International Journal of Asian Social Science* 10, no. 6 (2020): 273–86, https://doi.org/10.18488/journal.1.2020.106.273.286.

[53] Child Act 2001 (Act 611)

[54] Nasreen Miza Hilmy Nasrijal et al., "Protection for Sexually Abused Children: Issues on Law and Policy in Malaysia," *Journal of Governance and Development* 13, no. 1 (2017): 43–59, https://doi.org/https://doi.org/10.32890/jgd2017.13.1.8496.

[55] Ilham Sabarudding, "Aspects Of Criminal Law Against Child Predators in Malaysia," *Journal of Judikaltura* 1, no. 1 (2022): 1–5, https://doi.org/10.61963/jkt.v1i1.20.

[56] Wong, "Embracing the Corporate Governance and Whistleblowing in Malaysia: A Conceptual Review."

burden of proof in retaliation claims (s. 10(7))[57]. The limiting trait is the channel, namely a protected disclosure must be made to an enforcement agency, in actual application. What's more, protection can, in practice, be took back on a few grounds (s. 11(1)). Studies are concluding that this need is an hurdle, that disclosures made outside the recommended channels have been met with defamation actions, broadly speaking. As, well, that disclosure to the media, legal advisers or confidants may, to some extent, attract penalties[58].

The gist of it is being shown by cases. A disclosure of banking details to the media that did not follow with s. 6(1) was not protected and led to criminal prosecution, and in a related civil action the person sharing was ordered to pay damages for defamation, But instead than that, where an informant reported to the police and the anti-corruption commission after notifying the board, the High Court applied s. 10(7), held that the employer hadn't shown that disciplinary action was non-retaliatory, and awarded costs, Letters to ministers and the Prime Minister were held not to be reports to named enforcement agencies, broadly speaking. And thus, reported statistics are proposing that few complainants qualify for protection, The WPA is also oriented to corruption, fraud and public administration, and doesn't tackle child protection, university or school settings, or sexual offences specifically. The position of disclosures to university management is particularly uncertain[59], The EU Directive and the United Kingdom model are, by design, offered in the literature as examples of regulated public reporting under the conditions of good faith, reasonable belief and proportionate disclosure[60].

The most concrete comparative lesson lies in the Penal Code. Earlier drafting described the exceptions to s. 499 as "similar to" art. 433(3) of the Indonesian Code; the Malaysian structure is in fact far more detailed. The Eighth Exception provides that it is not defamation to prefer in good faith an accusation against any person to any of those who have lawful authority over that person with respect to the subject-matter of the accusation. The Ninth Exception provides that it is not defamation to make an imputation on the character of another in good faith for the protection of the interests of the person making it, or of any other person, or for the public good. Good faith is tied to due care and attention (s. 52). Indonesian law has instead a single open-textured exception for "public interest or being compelled to defend oneself".

Particular exception for good-faith reporting to competent bodies could therefore be added by indonesia, including educational institutions, UPTD PPA, LPSK and KPAI and not only law enforcement, and an exception for statements made to protect a child's interests, broadly speaking. Two cautions are following from the Malaysian and comparative experience. The exceptions are defences, which the blamed must establish at trial, and the application of the Eighth Exception is raising factual questions that may (to a meaningful extent) not be solved at the threshold, to a significant degree. An exception therefore doesn't prevent prosecution, and a channel-limited exception, such as the Eighth, doesn't protect public disclosure.

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[57] Tan Pei Meng and Tang Kin Leong, "2019 the Whistleblower Protection Act 2010 – Nine Years On," *South East Asia Journal of Contemporary Business, Economics and Law* 18, no. 4 (2019): 18–24, https://seajbel.com/wp-content/uploads/2019/05/SEAJBEL-18_50-1.pdf.

[58] Ahmad Shahriman Ahamad Tekmezi and Mukhriz Mat Rus, "The Legal Framework of Whistleblower Protection in Malaysia: Challenges of Implementation in Public Service," *UUM Journal of Legal Studies* 17, no. 2 (2026): 92–110, https://doi.org/10.32890/uumjls2026.17.2.6.

[59] F S Mokhtar, A M Ariff, and M S I Saadon, "Protection for Whistleblowers in the Public Universities of Malaysia," *Solid State Technology* 63, no. November (2020): 908–14, https://www.researchgate.net/profile/Fahirah_Mokhtar/publication/346071593_Protection_for_Whistleblowers_in_the_Public_Universities_of_Malaysia/links/5fb9e820458515b7976030ee/Protection-for-Whistleblowers-in-the-Public-Universities-of-Malaysia.pdf.

[60] Shazwan Ramli, "A Review on the Provisions Pertaining To Sexual Harassment Under the Employment Act 1955," *Advanced International Journal of Business, Entrepreneurship and SMEs* 5, no. 18 (2023): 91–98, https://doi.org/10.35631/aijbes.518010.

3.3 Reconciling the Malaysian Findings and Lessons for Indonesia

Malaysia does have informer immunity, like s. 116 of the Child Act (as summarised in secondary sources) and the WPA 2010; this duty in s. 19 SOACA covers any person and offences under that Act and is uniformly reported to the police; the Child Act immunity concerns information that one child is frequently in need of protection; the WPA is protecting only disclosures to listed agencies and can be canceled, on the whole. The person who reports a second child sexual offence to the police is likely to be, within at least one protection; any person who speaks first to a school, a non-governmental organisation or the media is not obviously within any, broadly speaking; what is specifically missing is immunity that is matching the scope of the duty. The finding is a double bind, responsibility for silence, under s. 19, and exposure to defamation suit or prosecution for speaking outside the recommended channel; the term "double jeopardy", with its connotation of ne bis in idem, is therefore avoided.

Four lessons follow for Indonesia. First, if Indonesia were to adopt a sanctioned duty to report child sexual violence, it must be paired with an express immunity of matching scope; official assurances are not a substitute. Second, protection must not be confined to a single channel. Third, the Eighth and Ninth Exceptions show how specific good-faith exceptions can be drafted. Fourth, because a defence is not a bar to prosecution, a procedural mechanism for early dismissal is needed. For Malaysia, the literature supports regulated public reporting under the WPA, an express clause on indemnification and civil immunity in SOACA 2017 for informants acting in good faith and on reasonable grounds, and extension of the reporting duty beyond medical practitioners to teachers and school staff, with matching immunity, Analogous constraints are faced by indonesia and Malaysia, and also, could usefully harmonise strategies within ASEAN. In parallel with this, still any such framework would have to be built on text and not on statements of intention, in actual application.

4. Toward a Normative Model of Helper Protection

What the analysis supports is four-part model, including one statutory norm, the good-faith standard, any public-disclosure test and early-dismissal procedures, in many respects; indeed, each element draws on the Indonesian environmental precedent and on the comparative material above

The norm should be added to a law that already regulates the subject (the Child Protection Law or the TPKS Law) and modelled on art, to a significant degree. From this perspective, 66 of Law No. 32 of 2009, a Following draft:

> Article X. (1) Any person who, in good faith and on reasonable grounds, reports, discloses, assists, accompanies, shelters or otherwise helps a child who is a victim, or a suspected victim, of sexual violence may not be prosecuted criminally or sued civilly for statements made or acts done for that purpose.
>
> (2) The further person outlined in paragraph (1) who has no formal status as reporter, witness, informant or companion shall be treated as any reporter or informant for the purposes of Law No. 3 of 2026.
>
> (3) Disclosure to the public is protected only where the conditions set out in the implementing regulation are met, including reasonable belief, prior or concurrent resort to competent channels unless they are reasonably considered ineffective or unsafe, limitation to relevant facts, protection of the child's identity and absence of any predominant motive other than protecting the child.
>
> (4) Where a criminal complaint or civil claim is brought against a person described in paragraph (1), the competent authority or court shall assess, as a preliminary matter, whether

the person is entitled to protection under this Article, and shall refer the matter to LPSK, KPAI or the regional UPTD PPA.

(5) This Article does not protect knowingly false statements.

Good faith should seemingly be specified by objective indicators, including one more tenable factual basis known to the helper when acting; reporting first, or concurrently, to one competent authority where one is reasonably available; care for the child's identity; and absence of personal gain, on the whole. In parallel with this, the standard is asking what the helper reasonably believed at the time of acting, and is predominantly not defeated by acquittal of the supposed perpetrator or by the later failure of proof; it parallels the "reasonable grounds" statement in UNCAC art, to a significant degree. 33; this need of due care and attention in the Malaysian Penal Code[61], The definition should be set in the implementing regulation of Law No. 3 of 2026, for which art. 74 allows two years.

Statutory immunity is needing supporting protocol. 10(2) of Law No. 3 of 2026 and the public-interest exception in art; indeed, first police and prosecution guidelines should need that one defamation or false-complaint report against the reporter or informant of child sexual violence be inspected against the postponement rule in art, in actual application. Three measures are suggested. 433(3) of the Code before the inquiry continues; indeed, second, a further regulation may (in actual operation) be issued by the Supreme Court modelled on arts, broadly speaking. 76-78 of Supreme Court Regulation No. 1 of 2023 to allow any defendant to raise helper status as a preparatory issue and to acquire early disposal of the claim; this does not need legislation. Building on this observation, third, art. 10(2) should be construed, or clarified in this doing regulation, to mean that postponement covers study, suspect designation and detention[62].

LPSK should potentially apply its power under art. 53 of Law No. 3 of 2026 to grant protection to helpers without waiting for one more application where danger or public attention warrants, in actual application. Educational institutions should be told, through the ministerial guidance, that withholding transfer letters or forcing other allows on the child or parent on account of any report of sexual violence is contrary to art. 10(1)(b). KPAI and UPTD PPA should be appointed as referral points for helpers who face one complaint, Where the school's own team or management is, by definition, encompassed, institutional reporting chains deserve particular scrutiny; international human rights law has begun to tackle grooming and abuse in organisational settings[63].

5. Limitation and Research Agenda

First, the research contains no empirical data on the chilling effect or on the number of helpers criminalised in Indonesia, and the Bekasi episode is illustrative. The annual reports of LPSK, and documentation by legal aid institutions and civil society, should be analysed in future research. Second, the Malaysian analysis relies on legislation and secondary literature, including secondary summaries of the Child Act 2001 and of the case law. Third, Law No. 3 of 2026 is new and its implementing regulations had not, to the authors' knowledge, been issued; the Constitutional Court's treatment of art. 433 after Decision No. 105/PUU-XXII/2024 remains to be seen. Fourth, the proposed test and draft norm have not been tested in practice. A further research agenda includes a study of how investigators in Indonesia treat art. 433(3) in cases involving child-protection speech, and an assessment of how art. 53 of Law No. 3 of 2026 is used.

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[61] UNCAC, art. 33; Penal Code (Malaysia).

[62] Supreme Court Regulation No. 1 of 2023, arts. 76–78; Ministerial Regulation No. 10 of 2024; Law No. 3 of 2026, art. 10(2).

[63] Afrooz Kaviani Johnson, "Grooming and Child Sexual Abuse in Organizational Settings - an Expanded Role for International Human Rights Law," *Journal of Human Rights Practice* 16, no. 1 (2024): 355–73, https://doi.org/10.1093/jhuman/huad039.

CLOSING

Victimology can, strictly speaking, broadly place helpers as indirect victims in the sense of the 1985 UN Declaration, in actual application. Harm fundamental in the intervention falls under Part A, para. Beyond this, Para 2; harm from retaliatory legal process is better understood, under Part B (abuse of power) and the framework of human rights defenders, in many respects. The notion must be respected from secondary victimisation and secondary traumatic stress; it recognises loss without meeting immunity from all blame, to a significant degree. International standards binding on Indonesia (CRC, OPSC, ICCPR) need the state to build one effective and safe reporting and protection framework and to confine criminal defamation proportionately; the obligation to protect helpers is educed from them by explanation; while the 1985 and 1998 Declarations are soft law that derivedly is obliging its content

Indonesian law already contains guarantees consistent with these principles: art. 433(3) of the Criminal Code (an exception which the ITE Law's later art. 45(7) mirrored), art. 29 and art. 69(g) of the TPKS Law, and arts. 10, 53 and 69 of Law No. 3 of 2026. But protection is channel-dependent. It favours formal reporters and informants, leaves informal helpers and public disclosure uncertain, offers no definition of good faith, and lacks procedures for early dismissal; and the retention of imprisonment for defamation is a mismatch of principle with General Comment No. 34. A limited comparison with Malaysia shows that a sanctioned duty to report (SOACA 2017 s. 19) combined with immunity that differs in scope from the duty places helpers in a double bind, and that the Penal Code's Eighth and Ninth Exceptions offer a more specific model of good-faith exceptions than Indonesia's open-ended one.

RECOMMENDATION

1. Parliament should add to the Child Protection Law or the TPKS Law the articulate rule, modelled on art. 66 of Law No. 32 of 2009, that one person who in good faith and on reasonable grounds reports, assists, accompanies or helps any further child victim of sexual violence may not be prosecuted or sued for doing so.
2. The applying regulation of Law No. 3 of 2026 should specify good faith by objective indicators grounded in reasonable belief at the time of acting, state that helpers without formal status may be treated as reporters or informants, and set out the conditions for protected public disclosure.
3. One more regulation should be issued by the Supreme Court, modelled on Regulation No. 1 of 2023, allowing early disposal of criminal and civil claims against helpers, broadly speaking; also guidelines should be embraced by the Police and Prosecution Service needing one defamation or false-complaint report against the reporter or informant of child sexual violence to be verified against art, on the whole. 10(2) of Law No. 3 of 2026 and art. In this broader context, 433(3) of the Criminal Code before investigation proceeds, with referral to LPSK, KPAI or UPTD PPA.
4. Parliament should broadly consider, in one future revision of the Criminal Code, any particular exception for good-faith reporting to competent bodies and for statements made to protect the child's interests, along the lines of the Malaysian Eighth and Ninth Exceptions.
5. Any duty to report child sexual violence, in Indonesia or Malaysia, should be accompanied by one articulate immunity matching the scope of this duty.

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