

**ABSTRACT**

Sexual domestic violence of children is believed to be common. Children tends to reluctant to defend their rights because they might have been threatened, abused, and tricked. Sexual abuse of children has a long-term psychological effects which affecting self-esteem to connect to others. A social neighborhood have a huge impacts on their sociological character to build relationship with society around them. According to Act No. 23/2002 regarding Children Protection and Act No. 23/2004 regarding the Abolition of Domestic Violence, stated that both preventive and repressive protection should be given to the crime (sexual domestic violence/sexual abuse) and the victims especially the children. Moreover, the influence of the social neighborhood to the children will give a significant effect on their personality and behavior either inside or outside the house. The value of the family structure and the society will be considering how good or bad the growth phase of the children. Therefore, it is important to maintain the self control and quality action of every member of the family to keep their children secure and fair.

The methods of this research are cases approach and statute approach that are used in order to analyze the consideration or ratio legis of judgement decision regarding three sexual abuse of domestic violence cases decided by Situbondo district court.

The analysis result shows that the lack of human resources quality is the main influence of the quality of the legal products. The accuration of the judge decision should be based on consideration rule and logical reasoning of facts and legal argumentation in order to establish legal impact for every people in accordance with the law purpose, legal security/legal certainty and justice. Fulfilling the victim and defendant protection of sexual abuse crime have a huge influence of readiness, seriousness, and also professional legal institution who carry out their duty to protect the victim and the defendant through some existing Acts. This research believes that if the stake holder and the law makers can establish a good protection to the victims and the accused, it will give positive impact for the criminal justice system.

Keywords: sexual abuse of children, children protection, sexual abuse victim.