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Rizki Idsam Matura*

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Research Article

Legal Protection of Women and Children in Indonesia and Australia: A Rights- and Recovery-Based Comparative Analysis

Rizki Idsam Matura[1]*

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Abstract

Women and children experience intersecting risks of violence, exploitation, and barriers to justice, yet their protection mechanisms operate through different legal and institutional arrangements. This article compares the national protection architecture of Indonesia and Australia and develops a conceptual framework for connecting legal rights, immediate safety, and long-term recovery. Normative legal research was undertaken through statutory, conceptual, and functional-comparative approaches. The documentary corpus comprises international human-rights instruments, national legislation, selected subnational illustrations, official policy documents, statistics, and relevant scholarship available up to July 2026. A seven-dimension matrix was used to distinguish normative design from reported implementation challenges. Indonesia has a relatively unified legislative framework, including sexual-violence, child-protection, and victim-assistance measures, but faces uneven service delivery and coordination challenges. Australia combines federal and state or territory regimes, nationwide recognition of domestic-violence orders, child-safe organisation principles, and specialised online-safety responses, although jurisdictional variation and institutional navigation remain concerns. Neither national architecture can be ranked as more effective from documentary evidence alone. The comparison informs a proposed Rights-, Risk-, and Recovery-Based Integrated Protection Model (R3-IPM), which links rights-based harmonisation, risk-responsive reporting, coordinated case management, survivor- and child-sensitive proceedings, recovery and reparation, and child participation and digital safety to measurable accountability. The model is a normative proposal requiring further empirical and legal feasibility assessment.

Keywords: Access To Justice; Australia; Child Protection; Comparative Law; Gender-Based Violence; Indonesia; Victim Recovery

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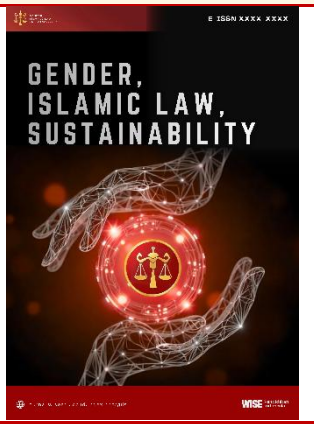

INTRODUCTION

Legal protection for women and children is an important measure of a state's ability to translate human dignity into norms, institutions, services, and tangible outcomes. The vulnerabilities of these two groups are not identical, but they frequently intersect within households, public spaces, educational institutions, workplaces, migration, and digital environments [1], [2]. Women may experience gender-based violence, domestic violence, sexual violence, economic exploitation, and structural discrimination [3]. Children, because of their age and dependency, face additional risks of neglect, child marriage, exploitation, trafficking, institutional violence, and limited opportunities to express their views safely. Accordingly, protection cannot stop at criminalisation; it must include prevention, early detection, safe reporting, immediate protection, judicial processes that avoid secondary victimisation, recovery, and guarantees of non-recurrence.

Normatively, state obligations rest on the principles of equality and non-discrimination under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), as well as the best interests of the child, the rights to life and development, non-discrimination, and respect for children's views under the Convention on the Rights of the Child (CRC) [4], [5], [6]. Indonesia and Australia are parties to both instruments, but operationalise them through different constitutional structures. Indonesia is a unitary state with national legislation whose implementation depends heavily on local governments. Australia is a federal state in which protection is shaped by a combination of Commonwealth, state, and territory laws. These differences make comparison relevant for assessing how centralised norms and decentralised implementation interact with a more plural distribution of federal powers.

The urgency of this study is evident in continuing reports of violence despite regulatory reform. Indonesia's SIMFONI PPA administrative system recorded 12,161 cases of violence against adult women (12,416 victims) and 19,628 cases against children (21,648 victims) during 2024 [7]. These are reported and recorded cases rather than population-wide prevalence estimates; changes can reflect access, reporting, or recording capacity as well as underlying harm. In the national women's life-experience survey (SPHPN), the share of women reporting physical and/or sexual violence in the preceding year declined from 8.7% in 2021 to 6.6% in 2024 [8]. This survey trend and the recorded administrative caseload measure different phenomena and should not be compared as if their denominators were identical. Together, they underscore the need to evaluate not only statutory rules but also safe reporting, service accessibility, and sustained recovery.

In Australia, the 2021–2022 Personal Safety Survey showed that, since the age of 15, approximately 39 percent of women had experienced violence, 22 percent had experienced sexual violence, and 23 percent had experienced intimate partner violence [9]. Regarding children, the Australian Human Rights Assessment 2026 identified gaps in coordination, accountability, and national protection standards, including the absence of federal legislation that directly and adequately incorporates the full range of children's rights [10]. These data and assessments demonstrate that even countries with advanced service systems continue to face fragmentation, group-based inequalities, and inconsistency across jurisdictions.

Prior studies of Indonesia have discussed the protection of sexual-violence victims, institutional child protection, and local policy implementation [11], [12], [13], [14]. Australian research has examined reproductive coercion and the experiences of mothers navigating family-law proceedings following domestic violence [15], [16]. A related comparative study addresses gender protection in Indonesia and Malaysia [3]. These contributions are relevant but differ in their

unit of comparison, sectoral focus, or outcome measures. The studies reviewed here do not, by themselves, establish that no other integrated comparative framework exists. Rather, they indicate a specific analytical need: a transparent, function-based comparison of the Indonesia–Australia protection pathway, linking substantive rights, risk response, institutional coordination, recovery, digital harms, and accountability without conflating legal design with demonstrated service effectiveness.

This study asks: (1) how do national legal duties and the institutional division of protection functions differ between Indonesia and Australia; (2) which design strengths, governance tensions, and evidence gaps emerge when comparable protection functions are examined; and (3) which operational elements can be brought together in a rights-, risk-, and recovery-oriented framework? Its contribution is not a claim to have invented rights-based or survivor-centred protection, which are established principles [4], [5], [6]. Instead, the study offers a structured cross-jurisdictional synthesis and a traceable proposal for integrating those principles into referral, case-management, and recovery processes. Claims of effectiveness are reserved for future empirical evaluation.

The analytical framework connects three complementary logics. A rights-based approach specifies state duties of non-discrimination, due diligence, child participation, and effective remedies under CEDAW and the CRC [4], [5], [6]. A risk-responsive approach asks whether reporting and institutional action can respond promptly to actual threats, including coercive control and technology-facilitated harm [15], [16]. A recovery-oriented approach considers whether protection extends beyond prosecution to the continuity of health, psychosocial, educational, housing, and economic support [1], [10]. These logics provide assessment criteria, not empirical proof that a given legal system delivers better outcomes.

METHODS

This study applies normative legal research with statutory, conceptual, and functional-comparative approaches. The unit of analysis is the legally assigned protection function, not the formal label of a statute or agency [17], [18], [19]. Functional equivalence enables the comparison of systems with different constitutional structures: Indonesia is examined primarily through national laws and their decentralised service implementation, whereas Australia is examined through Commonwealth norms and national coordination mechanisms, with selected state or territory instruments used only to illustrate jurisdictional variation [20], [21], [22], [23]. Indonesia and Australia were purposively selected as a unitary and a federal system that are both parties to CEDAW and the CRC but differ in their allocation of legal and administrative authority [24], [25], [26], [27]. This is a documentary legal comparison, not an impact evaluation or an exhaustive inventory of all Australian state and territory laws.

The legal corpus includes, for Indonesia, the 1945 Constitution and the instruments governing human rights, domestic violence, sexual violence, child protection, trafficking, witness and victim protection, victim assistance, and relevant implementation arrangements [28], [29], [30], [31], [32], [33]. For Australia, it includes the Sex Discrimination Act 1984, the Family Law Act 1975 as amended, the Criminal Code Act 1995, the Online Safety Act 2021, national strategies, and child-safe organisation guidance [34], [35], [36], [37]. Contextual materials comprise official statistics and human-rights assessments [37], [38], [39], [40], as well as research published mainly between 2021 and 2026 [11], [12], [13], [14], [15], [16]. Sources were purposively retained for their

legal authority, relevance to a specified protection function, jurisdictional applicability, and sufficient bibliographic traceability. The legislative cut-off is 31 July 2026; later developments are not treated as part of the principal comparison.

Document analysis proceeded in four steps. First, each legal instrument was mapped to its legal force, jurisdiction, responsible institution, protected group, rights or duties, and available remedy. Second, substantive provisions were coded within seven dimensions: rights foundations; prevention; reporting and risk assessment; immediate protection; investigation and adjudication; recovery and reparation; and institutional coordination, data, and accountability. Third, each dimension was compared by the functional test of whether an identifiable legal duty, accountable institution, accessible pathway, and potential remedy were specified. Fourth, normative findings were contrasted with official statistics, institutional assessments, and relevant research to identify implementation concerns, while explicitly distinguishing reported gaps from gaps inferred from legislative design. The resulting judgments are qualitative and interpretive; no quantitative effectiveness scores or causal inferences were produced.

Table 1. Documentary Selection and Functional-Comparative Assessment Protocol

Component	Scope / material	Assessment rule
Selection and boundary	International instruments; relevant Indonesian national law; Australian Commonwealth law and selected subnational illustrations; official reports and scholarship to July 2026.	Include if authoritative and directly relevant to one or more of the seven protection functions; exclude unrelated materials and unsupported extrapolation.
Normative mapping	Legal rights, duties, competent authority, procedural entry point, protection orders or remedies.	Identify explicit legal provisions and institutional responsibilities; describe the legal design separately from implementation.
Functional comparison	Equivalent function despite differing legal titles or governance levels.	Assess presence, accessibility, continuity, coordination, and potential accountability of protection pathways; avoid absolute country rankings.
Evidence triangulation	Statutory text, official policy, administrative statistics, and published research.	Use reports for documented practice or implementation concerns; administrative case counts are not population prevalence.
Model derivation	Recurring gaps and institutional strengths identified in each comparative dimension.	Link each proposed R3-IPM pillar to a comparative finding and legal or policy basis; treat outcomes as prospective indicators.

No human participants or individual case files were studied, so the project did not entail fieldwork involving human subjects. Documentary verification cannot establish actual accessibility, effectiveness, or survivor satisfaction. In addition, the selected Australian instruments cannot represent the detailed law of every state and territory. Cross-country statistics are presented only as contextual indicators because they differ in definitions, survey design, time frame, and reporting systems. Accordingly, conclusions concern normative architecture, evidence-supported implementation concerns, and a model proposed for subsequent legal and empirical testing.

RESULTS AND DISCUSSION

Human Rights Foundations and Institutional Architecture

The Indonesian Constitution provides an explicit foundation for child protection and equality. Article 28B (2) guarantees children's rights to survival, growth and development, and protection from violence and discrimination. Articles 28D, 28G, and 28I reinforce legal certainty, personal security, and freedom from discriminatory treatment [17]. Indonesia's ratification of CEDAW through Law No. 7 of 1984 and the CRC through Presidential Decree No. 36 of 1990 connects national protection to international standards [18], [19]. Law No. 39 of 1999 subsequently affirmed women's rights and children's rights as integral elements of human rights [20].

Indonesia's institutional architecture distributes functions among the Ministry of Women's Empowerment and Child Protection, regional technical implementation units for women and child protection, police, prosecutors, courts, the Witness and Victim Protection Agency (LPSK), health and social-service agencies, and local governments. The law provides complementary responsibilities, while collaborative arrangements in local family-support services illustrate the importance of intergovernmental coordination [29], [41]. A consolidated national legal framework can facilitate common standards, but the existence of multiple authorised institutions does not by itself demonstrate coordinated or uniformly accessible service delivery.

Australia does not have one national act that exhaustively regulates the protection of women and children. Its relevant Commonwealth measures include anti-discrimination law [34], family law [35], federal offences [36], and online-safety regulation [37]; national frameworks guide prevention and child protection [38]–[40]. At the state and territory level, protective and child-welfare powers are distributed among separate statutes. For example, the Family Violence Act 2016 (ACT) is one subnational legislative illustration [42], while the Family Law Amendment Act 2023 (Cth) changed the federal parenting framework [43]. National child-protection data are compiled across state and territory systems [44]. These examples illustrate institutional allocation and should not be interpreted as an exhaustive statement of the laws of every Australian jurisdiction.

The functional comparison identifies two different coordination problems. In Indonesia, national statutory obligations coexist with service provision through several institutions and levels of government; the requirement for integrated standards is reflected in the Ministerial Regulation on Protection Services for Women and Children [45]. In Australia, national legislative functions coexist with state and territory family-violence and child-protection responsibilities, creating potential variation in access and procedural steps [35], [42], [44]. These are structural observations. Whether fragmentation results in delayed protection or inadequate recovery requires evaluation of administrative processes and survivor experiences; those outcomes cannot be inferred from constitutional design alone.

Indonesia's Legal Framework for Protecting Women and Children

Law No. 23 of 2004 on the Elimination of Domestic Violence transformed domestic violence from a private matter into a human-rights violation and criminal offence. It recognises physical, psychological, and sexual violence, as well as household neglect, and regulates victims' rights to protection, healthcare, confidentiality, assistance, and recovery [21]. Its significance lies in recognising the household as a site in which power inequality can produce violence. Its effectiveness nevertheless depends on willingness to report, the sensitivity of officials, the

availability of shelters, and economic support that prevents victims from being forced back into dangerous circumstances.

Law No. 12 of 2022 on Sexual Violence Crimes broadened the paradigm from punishing offenders to preventing and addressing sexual violence and protecting and recovering victims [24]. The framework is important because it recognises forms of sexual violence, establishes victims' rights from the earliest stage, limits degrading questions or treatment, and places restitution and recovery within the concept of justice. Presidential Regulation No. 9 of 2024 regulates education and training for law-enforcement officers, government service personnel, and community-based service providers [26]. Government Regulation No. 27 of 2024 regulates coordination and monitoring, while Government Regulation No. 30 of 2025 details prevention, case handling, protection, and recovery, including accessibility obligations for children, persons with disabilities, and other vulnerable groups [25], [28].

The recovery dimension was strengthened by Government Regulation No. 29 of 2025 on the Victim Assistance Fund and LPSK Regulation No. 3 of 2026 on its management [27], [30]. This mechanism is important when restitution remains unpaid or recovery needs cannot await the completion of proceedings. Further reform came through Law No. 3 of 2026 on Witness and Victim Protection, which replaced the 2006/2014 regime. The new law regulates protection and rights for witnesses, victims, reporting persons, informants, and experts; a victim endowment fund; restitution; compensation; the roles of central and local governments; and public participation [29]. Normatively, these developments shift victim protection from an ancillary service to a core component of the justice system.

Child Protection and Prevention of Exploitation

Law No. 35 of 2014 affirms the responsibilities of the state, local governments, families, parents, and society in fulfilling children's rights and strengthens prohibitions on violence, discrimination, exploitation, and neglect [22]. Law No. 17 of 2016 strengthened sanctions against perpetrators of sexual violence against children [23]. Government Regulation No. 78 of 2021 provides a framework for special protection of children requiring specific intervention, including children affected by violence, exploitation, trafficking, disasters, conflict, and minority or isolated status [32]. Presidential Regulation No. 101 of 2022 on the National Strategy for the Elimination of Violence against Children establishes policy directions, key interventions, targets, and the division of central and local responsibilities [33]. This strategic approach treats prevention and changes in social norms as components of protection rather than merely responding after violence occurs. In the context of trafficking in persons, Law No. 21 of 2007 combines criminalisation, prevention, community participation, and victim assistance, with particular attention to women and children [31].

Despite the breadth of the normative framework, challenges remain in unequal local services, limited professional personnel, the quality of best-interests assessments, and continuity of recovery. Research on the effectiveness of child-protection institutions shows that coordination and institutional capacity continue to determine whether formal rights can be realised [12]. Studies of child sexual violence also demonstrate the importance of child-sensitive evidence procedures, psychological assistance, and long-term recovery [13]. Success should therefore not be measured solely by the number of cases processed, but also by safety, educational continuity, mental health, stable care, and reduced recurrence of violence.

Strengths and Gaps in Indonesia

Indonesia's principal strength is the shift towards survivor-centred protection. The Sexual Violence Crimes framework, the Victim Assistance Fund, and the 2026 witness and victim protection law create a more complete pathway from reporting to reparation. The national strategy and the obligations of local governments also provide a basis for expanding services. Together, these instruments can promote minimum standards, data integration, and sustainable recovery financing. The first gap is underreporting. Economic dependency, stigma, family pressure, fear of perpetrators, and negative reporting experiences may prevent victims from seeking assistance. The second is service fragmentation: victims often have to repeat their accounts to multiple institutions, increasing the risk of secondary victimisation.

A further concern is variation in the availability of shelters, psychologists, interpreters, disability accommodations, and legal assistance. Counting case files or referrals alone cannot establish that victims are safe or have achieved recovery. Appropriate evaluation should also ask whether services are continuous, restitution is obtained, children remain in education, and repeated violence is prevented. Thus, a plausible reform direction is to translate existing protection-service standards into clear interagency referral protocols, risk screening, data protections, and financing arrangements [45]. The proposed direction is a policy inference, not evidence that all local administrations perform equally poorly.

Australia's Legal Framework for Protecting Women and Children

The Sex Discrimination Act 1984 regulates discrimination and sexual harassment within specified areas of Commonwealth law [34]. It offers a civil-rights pathway but does not replace state and territory family-violence or criminal proceedings. The Family Law Act 1975, as amended by the Family Law Amendment Act 2023, places the best interests of the child at the centre of parenting decisions and requires express attention to child and caregiver safety [35], [43]. The 2024 parenting reforms removed the presumption of equal shared parental responsibility and revised the best-interests assessment. These provisions demonstrate a normative emphasis on safety; they do not show that every proceeding is trauma-informed or that all parties can access support equally.

The relationship between family-violence orders and family law is strengthened through the National Domestic Violence Order Scheme. Since 25 November 2017, domestic-violence orders made in one state or territory have been recognised and enforceable nationally [46]. This mechanism reduces the risk that protection will be lost when a victim moves between jurisdictions. Nevertheless, interaction among protection proceedings, criminal processes, and family-law cases remains complex. Wilde, Sheeran, and Douglas show that mothers who have experienced violence may suffer psychological distress while navigating the family-court system, particularly when violence is inadequately recognised or proceedings are prolonged [16]. A further development is the recognition of non-physical control. A number of state and territory laws include emotional, psychological, economic, threatening, coercive, or controlling conduct within definitions of family violence. Komazec and Farmer demonstrate that existing family-violence frameworks may provide protection from reproductive coercion and abuse, although effectiveness depends on definitions, evidentiary requirements, and practitioners' capacity to recognise patterns of control [15].

Child Protection, Child-Safe Organisations, and Mandatory Reporting

Australian child protection is principally administered under state and territory law, whereas the Commonwealth coordinates selected national frameworks and family-law functions [39], [44]. The

national framework Safe and Supported 2021–2031 articulates prevention, support, and systems coordination [39]. Jurisdiction-specific differences in mandatory-reporting duties and thresholds matter because professionals and families may encounter distinct procedural gateways; however, this article does not present a comprehensive state-by-state audit. Official national child-protection data offer a common descriptive reference point, while not resolving all jurisdictional comparability problems [44]. Operational recommendations therefore prioritise clearer referral guidance, training, and early supportive intervention over an unsupported claim that one reporting regime is uniformly superior.

The National Principles for Child Safe Organisations establish a consistent national approach to building organisational cultures that protect children's safety and wellbeing [40]. They emphasise leadership, child participation, family and community involvement, equity, suitable personnel, child-friendly complaints mechanisms, education and training, safe physical and online environments, continuous review, and documented policies. The strength of this model is institutional prevention: organisations do not wait for misconduct but build systems that reduce opportunities for abuse and make it easier for children to speak. However, the Australian Human Rights Commission found in 2026 that children's-rights protection still faces national gaps. The absence of federal legislation directly incorporating the full range of children's rights, together with inconsistent working-with-children checks, reportable-conduct schemes, and child-safe standards, may create protection gaps [10]. Federalism therefore requires stronger harmonisation so that the mobility of offenders, organisations, and children does not weaken safety.

Digital Safety and Exploitation Offences

The Online Safety Act 2021 establishes a national framework for responding to online harms and gives the eSafety Commissioner powers that include addressing image-based abuse [37]. Protection covers the distribution or threatened distribution of intimate images without consent, including altered or synthetically generated material. This approach is particularly relevant to women and children because technology-facilitated violence can extend perpetrators' control, expand the audience, and produce recurring reputational and psychological harm.

The Criminal Code Act 1995 provides federal offences relevant to child sexual exploitation, telecommunications-facilitated offending, trafficking, and related forms of exploitation [36]. Together with the Online Safety Act 2021, it illustrates the distinct but complementary functions of criminal investigation and regulatory intervention [37]. Indonesia also has rights and victim-protection obligations relevant to digital harms [21], [24], [29], but the sources assessed here do not establish a directly comparable, specialised national eSafety regulator. The comparison therefore supports consideration of clearer reporting and referral pathways, rather than a categorical claim that no Indonesian legal remedy exists. Speed of takedown and long-term safety remain empirical questions that require service-level evidence.

Strengths and Gaps in Australia

Australia's strengths lie in integrating safety into parenting decisions, nationally recognising protection orders, establishing child-safe organisation standards, and providing specialised online-safety mechanisms. National policy also uses four clearly defined domains: prevention, early intervention, response, and recovery and healing [38]. This structure helps prevent an exclusively reactive approach. Conversely, the federal structure produces variation in rules and service experiences. Victims who relocate may encounter different definitions, procedures, and institutions.

The family-law system may also place a heavy burden on victims required to prove patterns of violence while protecting their children. A further gap is the unequal impact on First Nations children and other vulnerable groups, demonstrating that formal uniformity does not automatically produce substantive equality [10].

Australia's principal lesson is that safety must be treated as an initial consideration rather than an eventual outcome. The critical lesson, however, is that multiple specialised mechanisms can increase the burden of system navigation unless they are connected through a case coordinator, secure data sharing, and accessible legal assistance.

Comparative Analysis of Indonesia and Australia

Table 2. Functional Comparison of Protection Architecture for Women and Children

Dimension	Indonesia	Australia	Comparative Assessment
Legal structure	A national framework implemented by central and local governments.	A federal framework involving the Commonwealth, states, and territories.	Indonesia centralises many legal norms, whereas Australia distributes more authority across jurisdictions; implementation quality cannot be ranked from statutory structure alone.
Domestic/family violence	Domestic Violence Law, Sexual Violence Crimes Law, protection orders, and local services.	Subnational family-violence laws, domestic-violence orders, national recognition, and interaction with the Family Law Act.	Australia provides national portability of eligible domestic-violence orders [46]. For both countries, protection depends on enforcement, emergency response, and accessibility.
Sexual violence	The Sexual Violence Crimes Law and regulations on coordination, training, recovery, and victim-assistance funding.	Subnational and federal criminal law, services, and national policies.	Indonesia has a dedicated statute and implementing measures; the adequacy of practice, funding, and reparation requires independent assessment.
Child protection	Child Protection Law, special protection measures, and a national strategy.	Child-protection statutes in each jurisdiction, Safe and Supported, and mandatory reporting.	Indonesia provides national legislative direction; Australia has widely articulated institutional child-safety standards, with uneven jurisdictional adoption [10], [40].
Family law	The child's interests are regulated across family-law and child-protection instruments.	The Family Law Act places best interests and safety at the centre of parenting decisions.	The Australian federal parenting framework expressly foregrounds child and caregiver safety; direct comparisons require attention to Indonesia's distinct family-law jurisdictions.
Recovery and reparation	Restitution, compensation, victim-assistance funds, and psychosocial services.	Health and social services, jurisdiction-based victim compensation, and recovery and healing.	Both systems recognise recovery mechanisms. Comparable evidence of timeliness, coverage, and payment rates is needed before drawing outcome conclusions.

Dimension	Indonesia	Australia	Comparative Assessment
Digital safety	Rules are dispersed across criminal, electronic-information, child-protection, and sexual-violence legislation.	The Online Safety Act and the eSafety Commissioner provide a specialised pathway.	Australia has a dedicated online-safety regulator and reporting pathway; Indonesia could assess the suitability of similar coordinating functions, subject to local legal conditions.
Accountability	National coordination, SIMFONI PPA data, monitoring, and oversight.	National statistics, jurisdictional regulators and oversight bodies, and child-safe organisation principles.	Both systems would benefit from privacy-protective outcome measures and transparent review; policy presence is not equivalent to verified performance.

Table 2 compares equivalent functions rather than treating legislative titles as interchangeable. Indonesia's dedicated national statutes offer a potential basis for common definitions and service entitlements; Australia's layered federal model permits function-specific regulation and, in the case of domestic-violence orders, national portability [46]. Neither configuration is sufficient on its own to guarantee that a victim can access protection, avoid repeated interviews, obtain reparation, or recover safely. The comparative assessments should therefore be read as document-based judgments about institutional design, not numerical evaluations of system effectiveness.

Access to justice demonstrates the distinction. In Indonesia, the Sexual Violence Crimes Law and regulations on protection, recovery, and victim assistance establish relevant normative duties [24], [27]–[30]; their practical fulfilment depends on referral and financing decisions across institutions. In Australia, the recognition of eligible protection orders across state borders is an identifiable portability mechanism [46], while federal family-law safeguards operate alongside subnational services [35], [43]. A more robust comparative effectiveness test would require comparable indicators on time to safety, successful referrals, protection-order enforcement, legal aid, and victim-reported experience; the present documentary corpus does not provide these systematically.

For children, Australia places strong emphasis on child-safe organisations and children's participation in organisational governance. Indonesia already has a national strategy, but standards for child-safe institutions need to become more operational and auditable. Indonesia could adapt these principles without reproducing Australia's federal structure by requiring child-safety policies, personnel screening, child-friendly complaints mechanisms, digital-environment standards, and periodic evaluation in schools, Islamic boarding schools, residential institutions, sports facilities, religious organisations, and service providers.

Substantive equality requires attention to differences among those seeking protection. In Australia, the 2026 human-rights assessment identifies particular risks and gaps affecting First Nations children and other disadvantaged groups [10]. For Indonesia, the accessibility implications of geography, age, disability, migration, and economic dependence must likewise be considered when specifying service standards. The appropriate comparator is therefore whether legal arrangements support equivalent opportunities for safety and recovery under different circumstances, not whether every affected person follows identical procedures. Cross-national statistics should not be directly pooled or interpreted as proof of legal causation.

Rights-, Risk-, and Recovery-Based Integrated Protection Model

The Rights-, Risk-, and Recovery-Based Integrated Protection Model (R3-IPM) is proposed as an interpretive synthesis of the functional comparison, not as a tested policy intervention. Rights define the applicable legal obligations; risk screening establishes the urgency and safeguards required; and recovery specifies the long-term condition that institutions should seek to support. Its six pillars and cross-cutting foundation consolidate elements already present in human-rights standards, victim-support legislation, child-safety guidance, and service coordination policies [4]–[6], [24], [29], [38]–[40]. The contribution lies in mapping these elements into one accountability-oriented pathway and demonstrating how each element responds to an identified comparative tension; its practical distinctiveness and effectiveness remain to be assessed.

Table 3. Proposed R3-IPM: Operational Elements and Prospective Indicators

Pillar	Operational Content	Outcome Indicator
1. Rights-based harmonisation	Consistent definitions, the best interests of the child, non-discrimination, accessibility, and due-diligence obligations.	Fewer normative conflicts and service refusals.
2. Safe reporting and risk assessment	A single reporting channel, anonymous options, 24-hour triage, assessment of repeat violence, digital risk, and child safety.	Faster response times and documented safety plans.
3. Integrated case management	One case coordinator, consent-based data sharing, case conferences, and health, social, legal, and educational referrals.	Victims do not have to repeat their accounts and remain connected to services.
4. Survivor- and child-centred law enforcement	Trauma-informed interviews, disability accommodations, assistance, remote examination where necessary, and safeguards against secondary victimisation.	Greater trust, improved evidence quality, and safety throughout proceedings.
5. Recovery and reparation	Medical, psychological, social, educational, housing, and economic assistance, together with restitution, compensation, and assistance funds.	Restored social functioning, payment of reparation, and reduced dependency on perpetrators.
6. Child participation and digital safety	Age-appropriate consideration of children's views, child-friendly complaints, child-safe organisation standards, content takedown, and digital literacy.	Children participate safely and online harms are stopped more quickly.
Foundation: data, financing, and accountability	Privacy-by-design interoperability, needs-based budgets, independent audits, outcome evaluation, and publication of disaggregated data.	Responsive policy, measurable regional gaps, and accountable institutions.

Table 3 identifies intended functions and prospective outcomes, while Table 4 shows how the model was derived from the comparative findings. Rights-based harmonisation responds to uneven pathways and standards; risk-sensitive reporting and integrated case management address navigation and coordination problems; child- and survivor-sensitive procedures seek to reduce secondary victimisation; and recovery, child participation, and digital safety turn formal legal entitlements into questions of service continuity. Data protection, financing, and independent review cut across all pillars. Because no stakeholder testing, costing, or implementation trial has been performed, these indicators are hypotheses for evaluation rather than demonstrated achievements.

Table 4. Traceability of the Proposed R3-IPM to the Comparative Findings

R3-IPM element	Comparative observation	Supporting normative / policy anchor
Rights-based harmonisation	Common standards can be difficult to operationalise across multiple providers or jurisdictions.	CEDAW/CRC [4]–[6]; Indonesian service standards [45]; Australian child-safety principles [40].
Risk-sensitive access	Victims may need urgent pathways for domestic, coercive, and online harm.	Indonesian sexual-violence protections [24], [28]; Australia-wide order recognition [46]; online safety [37].
Integrated case management	Agency fragmentation and multi-system navigation complicate continuity.	Indonesian protection and victim-support roles [29], [41]; Australian national strategies [38], [39].
Survivor-/child-centred proceedings	Legal processes must balance evidence, safety, and participation.	CRC and CEDAW duties [4]–[6]; federal family-law safeguards [35], [43]; review of court experience [16].
Recovery and reparation	Formal entitlements require timely follow-through across health, social, and legal services.	Victim Assistance Fund and protection law [27], [29], [30]; recovery domain in Australian plan [38].
Child participation and digital safety	Organisational culture and online harm require a cross-sector response.	National Principles [40]; Online Safety Act [37]; child-rights assessment [10].
Data, financing, accountability	Comparable results need protected data and independent indicators.	Indonesian service standard [45]; Australian rights assessment [10]; national child-protection data [44].

In Indonesia, a feasible starting point for discussion would be national case-management standards linking regional women-and-child protection services, law enforcement, courts, LPSK, health providers, and schools. An Indonesian ministerial regulation already addresses the need for integrated protection services [45], and UNICEF's account of child-protection work illustrates the continuing emphasis on strengthening accessible services [47]. This article proposes, rather than presumes, a common case coordinator, consent-sensitive information exchange, and coordinated referral to medical, psychosocial, legal, and housing assistance. Any use of assistance funds must respect statutory eligibility and financial-governance requirements [27], [29], [30]; cross-agency data sharing must also have an adequate legal basis and confidentiality safeguards.

In Australia, the model calls for stronger interjurisdictional interoperability, consistent working-with-children checks, reportable-conduct schemes, child-safe standards, and access to legal assistance. A case coordinator should bridge family violence, child protection, family law, criminal justice, housing, health, and online safety. Stronger incorporation of CRC principles and child-impact audits could reduce the accountability gaps identified by the Australian Human Rights Commission [10].

The theoretical distinction between R3-IPM and established protection frameworks should be modest and explicit. International child-protection systems guidance already includes prevention, case management, workforce coordination, and accountability [1], [48]; CEDAW and

CRC principles already require substantive rights and remedies [4]–[6]. R3-IPM does not claim novelty for these components individually. Its proposed added value is a transparent comparative crosswalk connecting legal duty, risk-triggered intervention, case continuity, and recovery indicators across two different governance systems. Suggested evaluation measures include time to initial protection, referral continuity, actual delivery of reparation, service accessibility, educational and housing stability, child participation, and repeat victimisation. Indicator feasibility, ethical safeguards, and causal relationships require subsequent testing.

Legal and Policy Implications

First, protection legislation should be understood as a single ecosystem. In Indonesia, the Domestic Violence Law, Child Protection Law, Sexual Violence Crimes Law, Witness and Victim Protection Law, and recovery regulations should be harmonised through common operating procedures. In Australia, family law, family-violence law, child protection, anti-discrimination law, criminal law, and online-safety law require consistent cross-jurisdictional coordination mechanisms. Second, service design should shift from being institution-centred to survivor- and child-centred. Victims should not have to adapt to organisational boundaries; institutions should adapt their processes to victims' needs. This principle requires mobile services, interpretation, disability accommodations, childcare support, transport, emergency accommodation, and economic assistance.

Third, institutional prevention should be auditable. Child-safe organisation principles can inform minimum safeguards, but adaptation must consider domestic legal authority, institutional capacity, and meaningful participation by children [40]. Fourth, case tracking should support accountability without creating a new privacy risk. Any unique identifiers, data linkage, or referral tracking must rest on an applicable legal basis, purpose limitation, minimum necessary data, and secure access control; consent alone may be insufficient for sensitive multi-agency processing. Finally, recovery financing should be evaluated in terms of actual eligibility, access, timing, and continuity, rather than assuming that the formal existence of restitution or assistance funds guarantees victims receive support. Future fieldwork should assess these safeguards with affected communities, practitioners, and responsible institutions.

Discussion

This study examined the legal and institutional frameworks governing the protection of women and children in Indonesia and Australia and developed a conceptual model integrating legal rights, risk-responsive intervention, and long-term recovery. The comparative findings reveal that Indonesia has established a relatively consolidated national legislative framework, particularly through its sexual violence, child protection, and victim assistance legislation, while Australia operates through interconnected Commonwealth, state, and territory arrangements supported by national protection strategies and specialised online-safety mechanisms [24], [29], [35], [37]. Nevertheless, both systems face challenges involving institutional coordination, accessibility, procedural complexity, and continuity of victim support. These findings indicate that differences in constitutional structures do not necessarily determine the substantive effectiveness of protection. Rather, meaningful protection depends on whether legal entitlements can be translated into accessible, coordinated, and accountable institutional responses. Importantly, the documentary analysis identifies differences in normative design and reported implementation concerns without establishing the comparative effectiveness of either national system.

The findings align with international research demonstrating that legal protections may remain insufficient when procedural arrangements expose victims to further harm. Wilde et al. [16], through a scoping review of Australian family court experiences, identified secondary victimisation, psychological distress, and the continuation of coercive control through legal proceedings. Similarly, Reeves et al. [49] found that women experiencing coercive control could encounter institutional disbelief and manipulation of legal processes by perpetrators. These studies reinforce the present finding that formal access to legal proceedings does not necessarily guarantee substantive justice. Moreover, they suggest that protection effectiveness should be assessed through victims' safety, procedural experiences, and recovery outcomes rather than through statutory provisions or case-processing figures alone.

The significance of institutional accessibility is further demonstrated by Robinson et al. [50], whose scoping review identified substantial barriers affecting migrant, refugee, and asylum-seeking women seeking domestic violence support in Australia. Sullivan et al. [51] similarly found that Australian legal institutions could provide necessary protection while simultaneously reproducing institutional discrimination and exclusion. These findings complicate assumptions that comparatively developed institutional arrangements necessarily provide equitable protection. They also highlight how immigration status, language barriers, economic dependency, and cultural expectations can influence access to justice. Although these Australian investigations employ empirical approaches different from the present normative comparative study, they provide important evidence concerning the social conditions through which legal protection is experienced.

Another significant consideration concerns recognition of non-physical and technology-facilitated violence. Komazec and Farmer [15] demonstrated that Australian family violence legislation can potentially address reproductive coercion, although legal definitions and evidentiary requirements influence protection pathways. Furthermore, Walsh et al. [52] documented the prevalence and characteristics of online child sexual victimisation in Australia, reinforcing the importance of digital reporting mechanisms and preventive safeguards. These findings support the relevance of incorporating digital safety into integrated protection systems. Nevertheless, the presence of a specialised online-safety regulator does not independently establish effective prevention, timely content removal, or satisfactory recovery. Such outcomes require separate evaluation using appropriate institutional and victim-centred indicators.

The Indonesian findings are consistent with research identifying persistent discrepancies between legislative recognition and practical implementation. Saefudin et al. [11] examined legal protection for sexual violence victims, while Makarao and Faruqi [12] highlighted institutional dimensions of child protection. Dana et al. [14] further addressed local implementation challenges in protecting children from violence. These studies support the interpretation that comprehensive statutory provisions require effective coordination, professional capacity, accessible reporting, and sustained service delivery. The present analysis extends this discussion by considering how recent victim protection and recovery regulations can be linked through a coherent institutional pathway rather than evaluated as isolated legislative instruments.

More specifically, Rismawati et al. [53], in a socio-legal study conducted in Pekalongan, demonstrated how distorted public understandings of domestic violence can undermine legal legitimacy and discourage formal reporting. This finding adds an important cultural dimension to the present analysis: strengthening legal provisions alone may not overcome social stigma, informal dispute-resolution pressures, or unequal power relationships. Likewise, Bin Mohamad et al. [54]

examined religious manipulation in child sexual harassment cases within Indonesian Islamic boarding schools, identifying institutional authority and the misuse of religious narratives as potential obstacles to protecting children. These studies indicate that protection mechanisms must account for local institutional cultures and community power structures. However, their context-specific findings should not be generalised to all Indonesian communities or religious educational institutions.

Further evidence from Indonesian family law demonstrates the importance of extending protection beyond criminal proceedings. Jalil et al. [55] examined integrated legal protection strategies for wives and children affected by rejected marriage validation applications, highlighting the relationship between legal recognition and practical vulnerability. Similarly, Muchlis et al. [56] demonstrated the relevance of the child's best interests in Indonesian marital property adjudication. These studies suggest that effective protection must also address economic security, family-law consequences, and children's continuing welfare. Recent doctrinal scholarship by Usfunan et al. [57] likewise identifies fragmentation, uneven service capacity, and accountability shortcomings within Indonesia's broader protection framework. Together, these investigations reinforce the need for coordination across criminal justice, family law, social services, and recovery institutions.

The comparative findings provide a basis for distinguishing three interconnected dimensions of protection. First, rights-based obligations establish legal recognition, non-discrimination, procedural safeguards, and access to remedies [4]–[6]. Second, risk-responsive intervention addresses immediate threats through accessible reporting, coordinated assessment, and timely protective action. Third, recovery-oriented protection extends institutional responsibility beyond investigation and adjudication to psychological, educational, social, and economic rehabilitation. In Indonesia, recent legislative developments provide a normative foundation for connecting these dimensions through victim assistance, protection, and coordinated services [24], [27]–[30]. In Australia, nationally recognised domestic violence orders, child-safe organisational principles, and specialised online-safety mechanisms demonstrate alternative approaches to functional coordination [37], [40], [46]. Nevertheless, neither configuration can guarantee protection without sufficient institutional resources, accessible services, and enforceable accountability.

The distinction is particularly important for children and other vulnerable groups. Child protection should not be reduced to the investigation and prosecution of offences; it also requires age-appropriate participation, safeguarding arrangements, educational continuity, and access to recovery services [5], [39], [40]. Institutional responses must therefore consider the interaction between legal vulnerability and social circumstances. Furthermore, digital environments introduce additional challenges because online exploitation, coercive communication, and image-based abuse may transcend institutional and geographical boundaries [37], [52]. Consequently, the comparative evidence supports examining whether reporting pathways, protection procedures, digital-safety responses, and recovery services operate as connected functions. These considerations inform the proposed R3-IPM without demonstrating its operational effectiveness.

The findings generate interconnected theoretical, pedagogical, and policy implications. Theoretically, they support an integrated understanding of rights-based and survivor-centred protection by connecting legally recognised entitlements with immediate risk management, institutional coordination, and measurable recovery outcomes. This approach complements established international human-rights principles rather than replacing them [4]–[6]. Pedagogically,

educational institutions should strengthen child safeguarding policies, age-appropriate rights education, digital and media literacy, confidential reporting, and trauma-informed support. Such initiatives may help students recognise coercive online behaviour, protect personal information, seek assistance, and develop safer digital interactions, although their effectiveness was not assessed in this study [40], [52]. Educational responses should also consider emotional well-being and identity development without treating children solely as passive recipients of protection. From a policy perspective, both countries should prioritise interoperable referral systems, accessible victim services, appropriate data-protection safeguards, professional training, and transparent accountability mechanisms [38], [39], [45]. Indonesia could strengthen coordination between regional protection services, schools, healthcare providers, law enforcement, and victim-support institutions, while Australia could improve consistency across jurisdictional boundaries and accessibility for culturally diverse populations [50], [51]. Digital-safety regulation should additionally support timely reporting and appropriate remedial action without compromising confidentiality, procedural fairness, or children's rights.

The principal contribution of this study lies in its structured functional comparison of Indonesia's and Australia's protection architectures and the development of the Rights-, Risk-, and Recovery-Based Integrated Protection Model (R3-IPM). Rather than claiming originality for established human-rights principles, survivor-centred procedures, or institutional coordination individually, the model integrates these elements into an accountability-oriented framework comprising rights harmonisation, safe reporting and risk assessment, integrated case management, sensitive legal proceedings, recovery and reparation, and child participation and digital safety. Its distinctive contribution is the explicit relationship between comparative institutional findings, proposed operational functions, and prospective evaluation indicators. Methodologically, the seven-dimension functional comparison helps distinguish legislative design from documented implementation concerns, thereby reducing the risk of unsupported country-level effectiveness rankings. The model consequently provides a conceptual foundation for evaluating whether formal protection obligations are translated into continuous and accessible protective services across different governance systems.

Several limitations constrain the interpretation of these findings. First, the study relies on documentary and normative legal analysis rather than direct observation of protection services or interviews with victims, practitioners, and institutional representatives. Consequently, the findings cannot establish actual service accessibility, victim satisfaction, institutional responsiveness, or the effectiveness of the proposed R3-IPM. Second, the comparison concentrates on national protection architecture and selected subnational illustrations, limiting its ability to capture the diversity of Australian state and territory legislation or variations among Indonesian regional administrations. Third, differences in administrative reporting systems, legal definitions, and available statistics prevent direct cross-national comparisons of protection outcomes. The proposed model has also not undergone stakeholder validation, feasibility assessment, costing, or implementation testing. Future research should employ comparative case studies, survivor-sensitive qualitative investigations, institutional process mapping, and longitudinal service evaluations. Particular attention should be given to reporting accessibility, response times, referral continuity, protection-order enforcement, recovery outcomes, and safeguards against secondary victimisation. Such research could determine whether the proposed integrated framework offers measurable improvements in protection while

remaining responsive to cultural diversity, institutional capacity, and the evolving risks associated with digital environments.

CONCLUSION

Indonesia and Australia establish protection duties for women and children through different constitutional and institutional arrangements. Indonesia has relatively consolidated national legislation governing sexual violence, child protection, and victim assistance, while Australia combines Commonwealth and state or territory responsibilities with national recognition of domestic-violence orders, child-safe organisation principles, and specialised online-safety regulation. Document-based comparison identifies recurring governance concerns: coordination across institutions, uneven access, reporting and referral barriers, and the difficulty of ensuring continuity from immediate safety to long-term recovery. The proposed R3-IPM links rights-based standards, timely risk assessment, integrated case management, sensitive legal procedures, recovery and reparation, and child participation and digital safety to protected data and outcome-oriented accountability. Its contribution is a traceable conceptual synthesis, not a proven claim of superior system performance. The analysis is limited by its national-level emphasis, selected subnational illustrations, and non-comparable implementation data. Future research should evaluate the framework through legal case studies, practitioner and survivor perspectives, feasibility testing, and measurable service outcomes.

AUTHOR INFORMATION

Corresponding Author

Rizki Idsam Matura – The University of Queensland (Australia)
orcid.org/0009-0002-4975-5722
Email: r.matura@student.uq.edu.au

Authors

Rizki Idsam Matura – The University of Queensland (Australia)
orcid.org/0009-0002-4975-5722
Email: r.matura@student.uq.edu.au

AUTHOR CONTRIBUTION

R.I.M. was solely responsible for the conceptualization, methodology, software development, validation, formal analysis, investigation, data curation, visualization, writing of the original draft, review and editing of the manuscript, project administration, and supervision. The author has read and approved the final version of the manuscript.

CONFLICT OF INTEREST

The authors declare no conflict of interest.

DECLARATION OF USE OF AI IN SCIENTIFIC WRITING

The authors used several generative AI tools in the process. ChatGPT was used to help organise complex concepts, while Grammarly was employed to enhance the grammar, style, readability of the text and improve the overall clarity of the writing. Although these tools provided valuable support, the researcher wrote all the content and conclusions.

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