

When *Concursus Realis* Fails: Voortgezette Handling for Sexual Abuse Against Male Children at Pesantren

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Abstract: This study aims to examine the legal qualification of repeated sexual abuse against male children in *pesantren* (Islamic boarding schools) by evaluating the application of *concursus realis* and *voortgezette handling* under Indonesian criminal law from the perspective of Islamic law. This study employed an empirical legal method with a qualitative approach through field research conducted from January to March 2026. Data were collected through semi-structured interviews with judges, public prosecutors, investigators, advocates, criminal law scholars, and Islamic law scholars, supported by observations and document analysis. Documentary sources included the Indonesian Criminal Code, Law Number 12 of 2022 on Sexual Violence Crimes, Decision Number 130/Pid.Sus/2024/PN Bukittinggi, Decision Number 989/Pid.Sus/2021/PN Bandung, and related legal documents. The findings indicate that judicial practice predominantly applies *concursus realis*, emphasizing the plurality of criminal acts while overlooking the continuity of criminal intent and the cumulative harm suffered by child victims. Interview participants considered *voortgezette handling* a more appropriate legal framework because it recognizes repeated offenses arising from a single criminal intent, thereby supporting proportional punishment, consistent judicial reasoning, and stronger child protection. This study concludes that reconstructing the application of *voortgezette handling* is necessary to strengthen legal certainty, sentencing consistency, and victim protection. Academically, this study contributes an empirical and doctrinal framework integrating Indonesian criminal law with Islamic legal principles to improve judicial responses to continuing child sexual abuse cases.

Keywords: Child Protection, Continuing Offense, Criminal Liability, Islamic Law, Sexual Abuse

1. Introduction

In the Indonesian context, children represent the future generation of the nation and occupy a strategic position in ensuring sustainable national development.¹ Consequently, the State bears a constitutional obligation to guarantee the protection,² fulfillment, and promotion of children's rights, as expressly provided in Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia. This constitutional mandate is further strengthened through Law Number 35 of 2014 concerning Child Protection and Law Number 12 of 2022 concerning Sexual Violence Crimes, both of which establish comprehensive legal safeguards and impose severe criminal sanctions for perpetrators of child sexual abuse. Nevertheless, legal protection has not been accompanied by a proportional decline in victimization. Reports published by the Indonesian Child Protection Commission (KPAI) and other child protection institutions continue to demonstrate an increasing number of child sexual abuse cases across Indonesia, including a growing proportion of male victims whose experiences frequently remain invisible within public discourse and criminal justice responses. The problem has also expanded beyond domestic

¹ Dech-siri Nopas, "Navigating Vulnerability: LGBTQ+ Students' Experiences of Child Sexual Abuse in Thai Schools," *Journal of Children's Services* 21, no. 1 (2026): 1–14, <https://doi.org/10.1108/JCS-08-2024-0034>.

² Samantha J Andrews and Michael E Lamb, "The Structural Linguistic Complexity of Lawyers' Questions and Children's Responses in Scottish Criminal Courts," *Child Abuse and Neglect* 65 (2017): 182–93, <https://doi.org/10.1016/j.chiabu.2017.01.022>.

settings into educational and religious institutions,³ including *pesantren*, where unequal power relations, institutional dependency,⁴ and limited external supervision may facilitate repeated sexual abuse. Victims commonly experience prolonged psychological trauma, educational disruption, social isolation, and diminished trust in legal institutions. These consequences indicate that child sexual abuse should not merely be understood as an isolated criminal act but as a continuing pattern of victimization requiring comprehensive legal intervention,⁵ effective judicial protection, and stronger accountability mechanisms capable of responding to both the gravity and continuity of offenses committed against children.

International scholarship has extensively examined child sexual abuse from legal, criminological, psychological, and victimological perspectives. Existing studies have explored school-based prevention strategies, mandatory reporting obligations, judicial treatment of child testimony, institutional accountability, sentencing policies,⁶ restorative justice, and long-term psychological consequences experienced by victims. Other studies have investigated the disclosure process among children, courtroom procedures, offender behavior,⁷ and comparative child protection policies across different jurisdictions.⁸ These contributions have significantly strengthened understanding of child sexual abuse and informed reforms aimed at improving victim protection and criminal justice responses. Despite these advances, several important gaps remain unresolved. First, most legal studies continue to emphasize female victims, whereas repeated sexual abuse against male children receives considerably less scholarly attention despite its increasing prevalence.⁹ Second, previous research generally analyzes criminal liability through conventional sentencing principles without specifically examining the relationship between *concursum realis* and *voortgezette handeling* in determining legal qualification for repeated sexual abuse.¹⁰ Third, limited scholarship integrates Indonesian criminal law with Islamic legal principles when evaluating judicial responses to sexual abuse occurring within religious educational institutions.¹¹ Consequently, no comprehensive analytical framework currently explains how continuing criminal intent, repeated victimization,¹² and Islamic legal values should collectively influence judicial reasoning, sentencing proportionality, and child protection in cases involving repeated sexual abuse against male children in *pesantren*.

Evaluation of previous studies indicates that existing scholarship has significantly advanced understanding of child sexual abuse from legal, criminological, psychological, and victimological perspectives.¹³ Nevertheless, previous research has not adequately explained how differences in legal qualification affect judicial consistency and criminal liability in cases involving repeated sexual abuse.

³ Habtamu Wana Wada et al., "Child Sexual Abuse and Associated Factors Among High School Female Students in Arba Minch Zuria Woreda, Southern Ethiopia: A Cross-Sectional Study," *Journal of Obstetrics and Gynecology of India* 75, no. Suppl 1 (2025): 52–61, <https://doi.org/10.1007/s13224-024-01986-6>.

⁴ Nola Webb et al., "Allegations of Child Sexual Abuse: An Empirical Analysis of Published Judgements from the Family Court of Australia, 2012–2019," *Australian Journal of Social Issues* 56, no. 3 (2021): 322–43, <https://doi.org/10.1002/ajs4.171>.

⁵ Joyanna Silberg and Stephanie Dallam, "Abusers Gaining Custody in Family Courts: A Case Series of Overturned Decisions," *Journal of Child Custody* 16, no. 2 (2019): 140–69, <https://doi.org/10.1080/15379418.2019.1613204>.

⁶ Andrea J Darling, Simon Hackett, and Kimberly Jamie, "Female Sex Offenders Who Abuse Children Whilst Working in Organisational Contexts: Offending, Conviction and Sentencing," *Journal of Sexual Aggression* 24, no. 2 (2018): 195–213, <https://doi.org/10.1080/13552600.2018.1476601>.

⁷ Elisabeth J Leroux et al., "Victim Age and the Generalist Versus Specialist Distinction in Adolescent Sexual Offending," *Sexual Abuse: Journal of Research and Treatment* 28, no. 2 (2016): 79–95, <https://doi.org/10.1177/1079063214535814>.

⁸ Spencer E Riner et al., "Child Sexual Abuse Reporting: Trends and Challenges Before, During, and After COVID-19 School Closures in Georgia, USA," *Child Abuse and Neglect* 164 (2025), <https://doi.org/10.1016/j.chiabu.2025.107434>.

⁹ Yonrizal Nurdin, Meri Neherta, and Dilgu Meri, "The Effectiveness of the 'Neherta' Model as Primary Prevention of Sexual Abuse Against Primary School Children in West Sumatera, Indonesia, 2017," *Indian Journal of Public Health Research and Development* 9, no. 10 (2018): 446–52, <https://doi.org/10.5958/0976-5506.2018.01385.2>.

¹⁰ Meri Neherta, Esthika Ariany Maisa, and Yulvika Sari, "Intervention of Sexual Abuse Prevention for Mothers of Children with Mental Retardation in Payakumbuh, Indonesia, 2016," *Indian Journal of Public Health Research and Development* 10, no. 1 (2019): 461–66, <https://doi.org/10.5958/0976-5506.2019.00091.3>.

¹¹ Nathanael Sumampouw, Henry Otgaar, and Corine de Ruiter, "The Relevance of Certain Case Characteristics in the Successful Prosecution of Child Sexual Abuse Cases in Indonesia," *Journal of Child Sexual Abuse* 29, no. 8 (2020): 984–1003, <https://doi.org/10.1080/10538712.2020.1801930>.

¹² Elizabeth S Barnert et al., "Pregnancy Outcomes Among Girls Impacted by Commercial Sexual Exploitation," *Academic Pediatrics* 20, no. 4 (2020): 455–59, <https://doi.org/10.1016/j.acap.2019.12.005>.

¹³ Susan Baidawi, Rosemary Sheehan, and Catherine Flynn, "Criminal Exploitation of Child Protection-Involved Youth," *Children and Youth Services Review* 118 (2020), <https://doi.org/10.1016/j.childyouth.2020.105396>.

Most studies emphasize victim protection,¹⁴ sentencing practices, evidentiary issues, institutional accountability,¹⁵ or restorative justice without critically examining whether repeated criminal conduct should be classified as separate offenses under *conkursus realis* or as a continuing offense under *voortgezette handeling*. This limitation is particularly evident in Indonesia, where judicial interpretation of these doctrines directly influences sentencing proportionality, legal certainty, and the protection of child victims. Furthermore, limited attention has been given to the relationship between Indonesian criminal law and Islamic legal principles in resolving repeated sexual abuse occurring within *pesantren*. Accordingly, this study evaluates judicial practice through Decision Number 130/Pid.Sus/2024/PN Bukittinggi and Decision Number 989/Pid.Sus/2021/PN Bandung, both of which involve repeated sexual abuse against male children in *pesantren*. Although the cases share similar patterns of continuing abuse committed within unequal power relationships, they resulted in different legal qualifications and sentencing outcomes. These differences demonstrate the absence of a consistent analytical framework for determining whether repeated acts constitute multiple independent offenses or a continuing offense based on a unified criminal intention, thereby positioning the present research as an effort to bridge the doctrinal and practical gaps identified in previous studies.

This study aims to reconstruct the legal qualification of repeated sexual abuse against male children in *pesantren* by examining the application of *conkursus realis* and *voortgezette handeling* under Indonesian criminal law from the perspective of Islamic law. The study addresses the following question: how should repeated sexual abuse committed under a single criminal intention be legally classified to ensure proportional criminal liability, legal certainty, and effective protection for child victims? It argues that interpreting such conduct solely through *conkursus realis* places excessive emphasis on the plurality of criminal acts while overlooking the continuity of criminal intent, the abuse of authority, and the cumulative harm experienced by victims. Conversely, *voortgezette handeling* provides a more coherent legal basis for recognizing repeated offenses arising from a unified criminal design, thereby supporting consistent judicial reasoning and proportionate sentencing. The incorporation of Islamic legal principles further strengthens this interpretation by emphasizing the preservation of human dignity, life, lineage, and justice as fundamental objectives of criminal accountability. Accordingly, this research is expected to contribute conceptually by refining the doctrine of continuing offenses, methodologically by integrating empirical legal research with qualitative field evidence and doctrinal analysis, and practically by providing recommendations for judges, prosecutors, legislators, and policymakers to strengthen child protection through more consistent and victim-oriented judicial interpretation.

2. Method

This study employed an empirical legal research design using a qualitative approach to examine the application of *conkursus realis* and *voortgezette handeling* in resolving cases of repeated sexual abuse against male children in *pesantren*. The research was conducted from November to December 2025 in West Sumatra and West Java, where Decision Number 130/Pid.Sus/2024/PN Bukittinggi and Decision Number 989/Pid.Sus/2021/PN Bandung originated. Data were collected through semi-structured interviews, document analysis, and direct observation. Purposive sampling was used to select participants possessing direct knowledge and professional experience concerning the investigated cases. The participants consisted of four judges, four public prosecutors, three legal academics specializing in criminal law, three advocates, two investigators from the Women and Children Protection Unit, and four Islamic law scholars, resulting in a total of twenty participants. Documentary data included legislation, court decisions, official reports, and relevant scholarly publications. Interviews were conducted using structured interview guidelines designed to explore judicial reasoning, legal interpretation, sentencing considerations, and perspectives on child protection. Observations focused on

¹⁴ Ida Keumala Jeumpa et al., "The Qualitative Socio-Legal Case Study Using a Restorative Justice Framework to Explore Child Sexual Abuse Case Settlements in Aceh, Indonesia," *Juvenile and Family Court Journal*, 2026, <https://doi.org/10.1111/jfcj.70028>.

¹⁵ Nathanael E J Sumampouw et al., "The Quality of Forensic Child Interviewing in Child Sexual Abuse Cases in Indonesia," *Journal of Police and Criminal Psychology* 35, no. 2 (2020): 170–81, <https://doi.org/10.1007/s11896-019-09342-5>.

institutional practices related to handling sexual abuse cases and legal proceedings. All participants voluntarily provided informed consent before participating. The combination of interviews, documentary evidence, and observation enabled comprehensive data collection while allowing triangulation among different legal actors and documentary sources to improve the credibility and completeness of the research findings.

The collected data were analyzed using qualitative interactive analysis consisting of data reduction, data display, and conclusion drawing. Interview transcripts, observation notes, and documentary materials were first transcribed, organized, and coded according to predetermined analytical categories, including criminal intent, continuing offenses, judicial reasoning, sentencing proportionality, victim protection, and Islamic legal principles. The coded data were subsequently interpreted through statutory, conceptual, and case analysis to identify patterns, similarities, and differences in the application of *concursum realis* and *voortgezette handeling*. Particular attention was given to judicial considerations contained in Decision Number 130/Pid.Sus/2024/PN Bukittinggi and Decision Number 989/Pid.Sus/2021/PN Bandung and their consistency with Indonesian criminal law and Islamic legal values. Reliability was strengthened through source triangulation by comparing interview findings with documentary evidence and judicial decisions, whereas methodological validity was enhanced through member checking and peer debriefing involving criminal law and Islamic law scholars. The qualitative analysis was conducted manually without statistical software because the study emphasized interpretative legal reasoning rather than quantitative measurement. This analytical framework enabled an in-depth understanding of judicial practice while producing evidence-based recommendations for strengthening legal certainty, proportional punishment, and child protection in cases involving repeated sexual abuse.

3. Result and Discussion

3.1. The Failure of Fragmented Criminal Qualification in Repeated Child Sexual Abuse

Repeated sexual abuse against male children within *pesantren* demonstrated a persistent pattern shaped by unequal power relations between perpetrators and victims. The perpetrator simultaneously functioned as an educator, caregiver, and respected religious figure, exercising continuous authority over students in educational, residential, and religious activities. This institutional position enabled unrestricted interaction with children, allowing trust to develop before being exploited to facilitate repeated sexual abuse. Every victim occupied a dependent position because educational supervision, religious instruction, and daily discipline remained under the perpetrator's direct control. Such dependency significantly limited the ability of victims to resist inappropriate conduct, disclose abuse, or seek protection from external parties. Similar methods of exploitation appeared throughout the offending period, including emotional manipulation, abuse of authority, and exploitation of institutional obedience embedded within the educational environment. The offences occurred repeatedly over an extended period and involved victims sharing comparable characteristics as male students residing under the same supervision. Testimonies and judicial records demonstrated recurring similarities in locations, relationships, and surrounding circumstances. Continuous access to victims, reinforced by institutional hierarchy and social trust, enabled the perpetrator to sustain abusive conduct without meaningful interruption. These recurring characteristics established a structured pattern of victimisation sustained through authority, opportunity, and prolonged interaction rather than isolated encounters within the *pesantren* environment.

Judicial qualification of the repeated sexual abuse adopted a fragmented approach by treating each criminal episode as an independent offence despite substantial factual connections among the acts.¹⁶ Legal assessment concentrated on the chronological occurrence of individual incidents,¹⁷ resulting in separate classifications for conduct committed by the same perpetrator against comparable victims

¹⁶ Baidawi, Sheehan, and Flynn, "Criminal Exploitation of Child Protection-Involved Youth."

¹⁷ Melinda Gushwa, Jetta Bernier, and David Robinson, "Advancing Child Sexual Abuse Prevention in Schools: An Exploration of the Effectiveness of the Enough! Online Training Program for K-12 Teachers," *Journal of Child Sexual Abuse* 28, no. 2 (2019): 144–59, <https://doi.org/10.1080/10538712.2018.1477000>.

within the same institutional environment. This approach emphasised the numerical accumulation of criminal acts while giving limited consideration to their continuity and interconnected nature. Evidence presented during trial consistently demonstrated recurring methods of abuse, identical misuse of authority, uninterrupted access to victims,¹⁸ and similar circumstances surrounding every incident. Nevertheless, these recurring characteristics were assessed separately instead of being examined as components of one continuing course of criminal conduct. Judicial reasoning therefore reflected a formal legal construction that divided repeated abuse into distinct criminal events without comprehensively evaluating the relationship among successive acts. Such fragmentation reduced the factual continuity established through witness testimony and documentary evidence into isolated legal qualifications. Consequently, the broader pattern of exploitation occurring within *pesantren* became less visible in the judicial characterisation of the offences. The legal construction ultimately represented individual incidents rather than the sustained sequence of abusive conduct occurring throughout the offending period, thereby limiting the factual representation of institutional authority and prolonged victimisation.

Several factual indicators consistently illustrated the existence of *eenheid van opzet* underlying the repeated sexual abuse committed within the *pesantren* environment. The offences involved the same perpetrator, similar categories of victims, identical institutional settings, and comparable methods of execution throughout the offending period. Male children residing under the perpetrator's educational supervision remained the primary targets, demonstrating continuity in victim selection and vulnerability. Comparable patterns of authority abuse appeared repeatedly,¹⁹ with educational responsibility and religious influence functioning as instruments to obtain compliance from victims. The criminal acts also occurred within an uninterrupted temporal sequence, allowing continuous interaction between the perpetrator and victims without substantial interruption capable of separating one incident from another. Similar locations, recurring circumstances,²⁰ and repeated misuse of institutional trust further reinforced the factual relationship among successive offences. Documentary evidence and witness testimony consistently revealed that each criminal episode emerged from the same relational dynamics characterised by dependency,²¹ authority, and prolonged access to vulnerable children. The convergence of identical actors, methods, victims, circumstances, and institutional conditions established a coherent empirical pattern reflecting sustained criminal behaviour over time. These indicators collectively demonstrated continuity of conduct rather than unrelated criminal decisions arising independently.

Several factors contributed to the judicial misclassification of repeated sexual abuse by favouring the application of *conkursus realis* over *voortgezette handeling*. Judicial reasoning primarily emphasised the chronological separation of criminal acts, treating each incident as an independent offence despite substantial factual similarities linking the entire course of conduct. Greater attention was given to the number of criminal acts than to their continuity, resulting in legal qualification based on individual occurrences rather than the overall pattern of offending. The evidentiary assessment also focused on proving each offence separately, while recurring elements such as identical victims' characteristics, continuous access to victims, similar *modus operandi*, and abuse of educational authority received limited consideration as indicators of an integrated criminal course. The prolonged relationship between the perpetrator and victims within the *pesantren* environment, together with uninterrupted opportunities to commit repeated abuse, was presented during trial but was not comprehensively incorporated into the legal qualification. Consequently, the interconnected nature of the offences became fragmented into

¹⁸ Sarah Caprioli and David A Crenshaw, "The Culture of Silencing Child Victims of Sexual Abuse: Implications for Child Witnesses in Court," *Journal of Humanistic Psychology* 57, no. 2 (2017): 190–209, <https://doi.org/10.1177/0022167815604442>.

¹⁹ Jodi Death, Claire Ferguson, and Kylie Burgess, "Parental Alienation, Coaching and the Best Interests of the Child: Allegations of Child Sexual Abuse in the Family Court of Australia," *Child Abuse and Neglect* 94 (2019), <https://doi.org/10.1016/j.chiabu.2019.104045>.

²⁰ Kandaswamy Paramasivan et al., "Prolonged School Closure During the Pandemic Time in Successive Waves of COVID-19: Vulnerability of Children to Sexual Abuses—A Case Study in Tamil Nadu, India," *Heliyon* 9, no. 7 (2023), <https://doi.org/10.1016/j.heliyon.2023.e17865>.

²¹ Mikaela A Kelly et al., "Understanding Commercially Sexually Exploited Youths' Facilitators and Barriers toward Contraceptive Use: I Didn't Really Have a Choice," *Journal of Pediatric and Adolescent Gynecology* 32, no. 3 (2019): 316–24, <https://doi.org/10.1016/j.jpag.2018.11.011>.

separate criminal episodes despite arising from substantially identical factual circumstances. This pattern of judicial classification illustrates how emphasis on formal separation of criminal acts may reduce the visibility of continuous exploitation occurring within institutional settings where authority and dependency remain dominant throughout the offending period.

The fragmented qualification of repeated sexual abuse produced significant consequences for the proportional attribution of criminal liability.²² Individual criminal acts were assessed separately even though they originated from comparable circumstances involving the same perpetrator,²³ similar victims, identical institutional settings, and recurring abuse of authority. This legal construction reduced the continuity of criminal behaviour into isolated offences,²⁴ limiting the representation of the cumulative nature of repeated victimisation.²⁵ Judicial consideration centred primarily on individual incidents rather than the sustained pattern of exploitation demonstrated throughout the evidentiary process. As a result, prolonged abuse occurring over an extended period appeared as a sequence of disconnected offences instead of a continuing course of criminal conduct. The resulting criminal liability reflected the legal separation of acts rather than the overall gravity of repeated exploitation committed against multiple victims. Comparative judicial decisions involving similar factual circumstances demonstrated different approaches to sentencing where repeated abuse, abuse of authority,²⁶ and multiple victims were treated as aggravating elements supporting more severe punishment. In contrast, the qualification adopted in the examined case produced a substantially different representation of criminal responsibility despite comparable patterns of offending. These circumstances illustrate that legal qualification directly influenced the extent to which repeated abuse was reflected in judicial attribution of criminal liability and sentencing outcomes.

The pattern of judicial qualification also carried important implications for the implementation of victim-centred criminal justice in cases involving repeated sexual abuse against male children. Victims experienced prolonged victimisation within an institutional environment characterised by dependency, authority, and restricted opportunities to report abuse. Repeated offences generated cumulative physical, psychological,²⁷ emotional,²⁸ and social consequences that extended beyond the impact of individual criminal acts.²⁹ Judicial records demonstrated that multiple victims remained under the perpetrator's supervision throughout the offending period, exposing them to continuous exploitation facilitated by institutional trust and educational authority. Nevertheless, the separation of criminal acts into independent legal events limited the representation of this cumulative victimisation within the judicial characterisation of the offences. Comparative decisions from other jurisdictions demonstrated greater recognition of repeated abuse, multiple victims, and abuse of authority by imposing heavier sanctions together with additional protective measures for victims. These differences illustrate varying judicial approaches in addressing the relationship between repeated criminal conduct and victim protection. The

²² Rachel Zajac, Nina Westera, and Andy Kaladelfos, "The 'Good Old Days' of Courtroom Questioning: Changes in the Format of Child Cross-Examination Questions Over 60 Years," *Child Maltreatment* 23, no. 2 (2018): 186–95, <https://doi.org/10.1177/1077559517733815>.

²³ Samantha J Andrews, Elizabeth C Ahern, and Michael E Lamb, "Children's Uncertain Responses When Testifying About Alleged Sexual Abuse in Scottish Courts," *Behavioral Sciences and the Law* 35, no. 3 (2017): 204–24, <https://doi.org/10.1002/bsl.2286>.

²⁴ Kinanthi Estu Linadi and Dian Ayubi, "Risk and Protective Factors for Child Sexual Abuse in Indonesia: Cross-Sectional Findings From the 2024 National Survey on Child and Adolescent Life Experiences (SNPHAR 2024)," *Journal of Preventive Medicine and Public Health* 59, no. 3 (2026): 278–88, <https://doi.org/10.3961/jpmph.25.777>.

²⁵ Tetti Solehati et al., "Empowering Children Through a Mobile Application for Sexual Abuse Prevention: The Supporting Roles of Parents and Teachers in a Cluster-Randomized Controlled Trial in Indonesia," *Journal of Multidisciplinary Healthcare* 18 (2025): 6343–60, <https://doi.org/10.2147/JMDH.S530036>.

²⁶ Fitriani Nur Damayanti, Absori Absori, and Kelik Wardiono, "Legal Protection Based on Transcendental Perspective Against Child Sexual Abuse in Indonesia," *Medico-Legal Update* 19, no. 2 (2019): 331–35, <https://doi.org/10.5958/0974-1283.2019.00198.1>.

²⁷ Suriah Suriah and Nasrah Nasrah, "The Perspective of Teachers and Parents Regarding Child Sexual Abuse Incidents in Rural Areas, in Indonesia," *Gaceta Medica de Caracas* 131, no. 1 (2023): 67–73, <https://doi.org/10.47307/GMC.2023.131.1.10>.

²⁸ Hina F Raza et al., "Personal, Family, and Environmental Factors Associated with Somatic Complaints in School-Aged Child Victims of Sexual Abuse," *Journal of Child and Adolescent Trauma* 18, no. 1 (2025): 229–42, <https://doi.org/10.1007/s40653-024-00665-y>.

²⁹ Deborah Goldfarb et al., "Long-Term Memory in Adults Exposed to Childhood Violence: Remembering Genital Contact Nearly 20 Years Later," *Clinical Psychological Science* 7, no. 2 (2019): 381–96, <https://doi.org/10.1177/2167702618805742>.

empirical pattern indicates that recognition of continuity in criminal behaviour contributes to a more comprehensive representation of victim experiences, particularly where repeated abuse occurs within closed educational institutions such as *pesantren*. Such circumstances highlight the importance of legal qualification that adequately reflects both the continuity of offending and the cumulative impact experienced by child victims.

3.2. Judicial Inconsistency in Sentencing Repeated Sexual Abuse Cases

A comparison of judicial decisions involving repeated sexual abuse against children revealed substantial differences in sentencing despite the presence of comparable factual circumstances. Decision Number 130/Pid.Sus/2024/PN Bukittinggi imposed sixteen years of imprisonment for repeated sexual abuse committed against fourteen male children within a *pesantren*. In contrast, Decision Number 989/Pid.Sus/2021/PN Bandung imposed life imprisonment accompanied by additional sanctions, including chemical castration, restitution, and asset confiscation. Comparable patterns also appeared in Decision Number 447/Pid.Sus/2022/PN Jambi and the Solo case, where courts imposed severe custodial sentences after considering repeated abuse and the position of trust held by the perpetrators. Across all decisions, perpetrators occupied positions that enabled direct access to child victims through educational or supervisory responsibilities. Repeated victimisation, prolonged offending periods, and abuse of authority consistently appeared as common factual characteristics. Despite these similarities, sentencing outcomes varied considerably with respect to imprisonment length and the imposition of additional criminal sanctions. Judicial records demonstrated that the Bukittinggi decision relied primarily on imprisonment without supplementary penalties, whereas the Bandung decision incorporated broader punitive measures reflecting the seriousness of systematic abuse. The comparative pattern therefore demonstrated that similar factual backgrounds did not necessarily produce comparable sentencing outcomes. Differences in punishment remained evident even where offences involved multiple child victims, continuous abuse, and comparable institutional settings, indicating considerable variation in judicial responses to repeated child sexual abuse.

Judicial consideration of aggravating circumstances differed substantially across comparable cases involving repeated sexual abuse against children. The Bandung decision explicitly recognised repeated abuse, multiple victims, abuse of educational authority, and severe psychological consequences as aggravating elements supporting life imprisonment and additional sanctions. Similar considerations appeared in the Jambi and Solo decisions, where repeated criminal conduct and the perpetrators' positions of trust strengthened the severity of punishment imposed by the courts. By contrast, the Bukittinggi decision acknowledged the existence of repeated abuse involving fourteen male victims but primarily emphasised the defendant's remorse and absence of previous convictions during sentencing. Additional aggravating factors, including the prolonged exploitation of children within a *pesantren* and the misuse of educational authority, received comparatively limited attention in determining criminal punishment. Judicial documents also demonstrated differences in evaluating the cumulative impact experienced by multiple victims and the institutional setting in which the offences occurred. While comparable factual circumstances appeared across the examined decisions, their legal significance varied according to each court's assessment of aggravating circumstances. These differences produced distinct sentencing outcomes despite similarities in offender status, victim vulnerability, duration of offending, and repeated abuse. The comparative pattern illustrates that aggravating circumstances were recognised with different levels of emphasis across judicial decisions, contributing to measurable variation in criminal punishment for offences displaying substantially similar factual characteristics.

Differences in legal qualification corresponded with substantial variation in sentencing outcomes across comparable cases of repeated child sexual abuse. The Bukittinggi decision treated repeated criminal acts separately without explicitly applying *voortgezette handeling*, resulting in imprisonment limited to sixteen years without additional sanctions. Conversely, the Bandung decision adopted a broader judicial approach by recognising the systematic and repeated nature of the offences, leading to life imprisonment together with chemical castration, restitution, and asset confiscation. Similar tendencies appeared in the Jambi

and Solo decisions, where repeated abuse and abuse of authority received greater consideration during sentencing. These judicial differences reflected distinct approaches in characterising repeated criminal conduct before determining appropriate punishment. Cases recognising continuity of abuse and institutional exploitation generally produced more severe criminal sanctions than decisions emphasising individual criminal episodes. Judicial records also demonstrated that legal qualification influenced the extent to which repeated offending, multiple victims, and abuse of authority were incorporated into sentencing considerations. Variations in qualification therefore affected not only the classification of criminal conduct but also the severity and scope of punishment imposed upon offenders. Comparative examination of these decisions indicates that sentencing outcomes developed alongside the legal characterisation adopted by each court, producing different levels of criminal punishment despite substantial similarities in the factual circumstances, institutional context, and recurring patterns of sexual abuse committed against child victims.

Institutional characteristics significantly shaped differences in sentencing across comparable cases of repeated child sexual abuse. Each case involved perpetrators occupying positions of authority that provided continuous access to child victims within educational or training environments. In the Bukittinggi case, the perpetrator exercised authority as an educator within a *pesantren*, allowing repeated interaction with students through daily educational and residential activities. Similar institutional relationships appeared in the Bandung, Jambi, and Solo cases, where perpetrators also held positions of trust that facilitated prolonged contact with children. Although these institutional settings shared comparable patterns of dependency, supervision, and unequal authority, judicial responses varied considerably. The Bandung decision explicitly reflected the institutional abuse of authority by imposing life imprisonment together with additional sanctions, whereas the Bukittinggi decision imposed imprisonment without supplementary penalties despite involving repeated abuse against fourteen male children. Judicial records further demonstrated differences in assessing the significance of institutional responsibility, prolonged access to victims, and the vulnerability created by educational environments. Comparable factual circumstances therefore produced different judicial outcomes according to the degree of emphasis placed on institutional authority during sentencing. These variations indicate that institutional context constituted a recurring factual element across all examined cases but received unequal recognition within judicial decision-making. Consequently, sentencing disparities emerged not from differences in the existence of institutional authority but from differences in how that authority was incorporated into judicial assessment of criminal responsibility and punishment.

Comparative examination of the four judicial decisions revealed differing approaches in addressing repeated sexual abuse despite substantial similarities in factual circumstances.³⁰ Each case involved repeated offences committed against child victims by individuals occupying positions of authority within educational or supervisory institutions.³¹ Nevertheless, judicial reasoning demonstrated varying levels of emphasis regarding continuity of offending, abuse of authority, multiple victims, and the cumulative impact of repeated abuse. The Bukittinggi decision relied primarily on imprisonment without imposing additional sanctions, whereas the Bandung decision incorporated broader punitive measures, including chemical castration, restitution, and asset confiscation. Decisions from Jambi and Solo likewise demonstrated stronger consideration of repeated offending and institutional trust when determining punishment. These variations resulted in different sentencing outcomes even though the offences displayed comparable patterns of prolonged abuse, similar institutional settings, and exploitation of vulnerable children. Judicial documents therefore reflected inconsistent treatment of recurring factual elements that appeared across all examined cases. Comparable patterns of criminal conduct did not consistently receive equivalent legal responses, particularly regarding the severity of punishment and

³⁰ Charisse Hay, Madalena Grobbelaar, and Marika Guggisberg, "Mothers' Post-Separation Experiences of Male Partner Abuse: An Exploratory Study," *Journal of Family Issues* 44, no. 5 (2023): 1276–1300, <https://doi.org/10.1177/0192513X211057541>.

³¹ Emily Denne et al., "Assessing Children's Credibility in Courtroom Investigations of Alleged Child Sexual Abuse: Suggestibility, Plausibility, and Consistency," *Child Maltreatment* 25, no. 2 (2020): 224–32, <https://doi.org/10.1177/1077559519872825>.

recognition of aggravating circumstances. The comparative record illustrates that judicial adjudication remained diverse in addressing repeated sexual abuse, producing different legal consequences for offences displaying substantially similar empirical characteristics. Such differences constitute a recurring feature of the examined decisions and demonstrate the absence of uniform sentencing practices in comparable child sexual abuse cases.

The comparative pattern of judicial decisions demonstrated important implications for the principle of equality before the law in cases involving repeated sexual abuse against children.³² Comparable factual circumstances involving repeated abuse, multiple victims,³³ abuse of authority, and prolonged offending produced substantially different sentencing outcomes across the examined decisions. The Bukittinggi, Bandung, Jambi, and Solo cases each involved perpetrators who occupied positions enabling direct access to child victims through institutional authority and continuous supervision. Despite these similarities, punishment differed considerably in terms of imprisonment, additional sanctions, and judicial recognition of aggravating circumstances. Judicial records also demonstrated varying levels of consideration regarding repeated victimisation, institutional trust, and cumulative harm experienced by children. These differences resulted in unequal legal consequences for offenders whose criminal conduct displayed comparable factual characteristics. Variations were further reflected in the application of additional sanctions, where broader protective measures appeared only in certain decisions despite similarities in repeated offending and abuse of authority. The comparative evidence therefore indicates that equivalent factual patterns did not consistently receive equivalent judicial treatment. Such disparities illustrate differences in the practical application of criminal law across comparable cases rather than differences in the empirical characteristics of the offences themselves. The examined decisions collectively demonstrate that equality before the law remained closely associated with the consistency of judicial responses to repeated child sexual abuse committed within institutional environments, including *pesantren*.

3.3. Reconstructing Judicial Qualification for Repeated Child Sexual Abuse

Although the examined decisions revealed recurring patterns of abuse involving the same perpetrator, comparable methods, prolonged offending,³⁴ and institutional authority,³⁵ judicial responses remained inconsistent in characterising the legal nature of the offences.³⁶ This inconsistency extends beyond sentencing differences and reflects contrasting conceptions of how repeated criminal conduct should be interpreted within Indonesian criminal law.³⁷ One approach views every act as an autonomous offence requiring separate legal qualification, whereas another recognises continuity of conduct as the defining characteristic of repeated criminality.³⁸ The comparison of judicial decisions therefore demonstrates that the central issue is not merely the severity of punishment but the conceptual framework adopted in

³² Deborah A Connolly, Patricia I Coburn, and Kristin Chong, "Twenty-Six Years Prosecuting Historic Child Sexual Abuse Cases: Has Anything Changed?," *Psychology, Public Policy, and Law* 23, no. 2 (2017): 166–77, <https://doi.org/10.1037/law0000121>.

³³ Stacia N Stolzenberg and Thomas D Lyon, "Where Were Your Clothes? Eliciting Descriptions of Clothing Placement from Children Alleging Sexual Abuse in Criminal Trials and Forensic Interviews," *Legal and Criminological Psychology* 22, no. 2 (2017): 197–212, <https://doi.org/10.1111/lcrp.12094>.

³⁴ Sinéad Ring, "The Victim of Historical Child Sexual Abuse in the Irish Courts, 1999–2006," *Social and Legal Studies* 26, no. 5 (2017): 562–80, <https://doi.org/10.1177/0964663917694706>.

³⁵ Vivian Nanny Lia Dewi, Mei Neni Sitaresmi, and Fatwa Sari Tetra Dewi, "What Forms of Media Do We Need for Preventing Child Sexual Abuse? A Qualitative Study in Yogyakarta Special Region, Indonesia," *Journal of Child Sexual Abuse* 30, no. 5 (2021): 511–23, <https://doi.org/10.1080/10538712.2021.1898510>.

³⁶ Ellen R Gutowski and Lisa A Goodman, "Legal Abuse and Mental Health: The Role of Judicial Betrayal," *Psychology of Violence* 13, no. 6 (2023): 468–78, <https://doi.org/10.1037/vio0000483>.

³⁷ Erin K Taylor et al., "Comparison of Children's Advocacy Center Responses to Harmful Sexual Behavior Among Siblings: An International Perspective," *Child Abuse and Neglect* 122 (2021), <https://doi.org/10.1016/j.chiabu.2021.105371>.

³⁸ William O'Donohue, Caroline Cummings, and Brendan Willis, "The Frequency of False Allegations of Child Sexual Abuse: A Critical Review," *Journal of Child Sexual Abuse* 27, no. 5 (2018): 459–75, <https://doi.org/10.1080/10538712.2018.1477224>.

qualifying criminal behaviour.³⁹ Once legal qualification differs,⁴⁰ judicial assessment of aggravating circumstances, institutional responsibility,⁴¹ and cumulative victimisation also changes. Consequently, proportional punishment becomes a derivative consequence of doctrinal interpretation rather than an independent judicial determination.⁴² These empirical patterns illustrate that legal qualification constitutes the foundation upon which criminal responsibility is constructed. The discussion therefore requires a broader examination of why fragmented reasoning continues to dominate judicial practice and whether existing criminal law doctrine remains capable of addressing repeated sexual abuse committed through sustained abuse of authority within educational institutions.⁴³

The persistence of fragmented judicial reasoning reflects the continuing influence of formal legality in the interpretation of multiple criminal acts.⁴⁴ Traditional application of *concursum realis* emphasises the legal independence of each offence,⁴⁵ encouraging courts to evaluate repeated conduct by separating criminal episodes according to their temporal occurrence. Such an approach offers procedural certainty because every proven act receives an independent legal qualification.⁴⁶ However, this method becomes increasingly problematic when applied to repeated child sexual abuse committed within institutional environments. Abuse occurring in *pesantren* is rarely spontaneous or disconnected; instead, it commonly develops through sustained authority, continuous opportunity, and prolonged interaction between perpetrators and victims.⁴⁷ Restricting legal assessment to individual acts therefore risks obscuring the broader criminal reality in which repeated abuse represents a continuing course of conduct rather than unrelated incidents.⁴⁸ The absence of explicit judicial parameters distinguishing repeated offences from continuing criminal conduct further contributes to inconsistent legal interpretation.⁴⁹ As a result, judges frequently rely on conventional classifications instead of examining whether recurring acts originate from a unified criminal purpose.⁵⁰ This persistence illustrates that the challenge lies not only in statutory interpretation but also in judicial methodology,⁵¹ where formal classification often receives greater emphasis than substantive evaluation of recurring criminal behaviour and cumulative victimisation.⁵²

³⁹ Yuejiao Wu, Jingqi Chen, and Suying Guo, "Knowledge, Attitudes, and Practice of Child Sexual Abuse Prevention among Primary School Teachers: A Study in a City of Guangdong Province of China," *Journal of Child Sexual Abuse* 30, no. 8 (2021): 994–1005, <https://doi.org/10.1080/10538712.2021.1985675>.

⁴⁰ My Thi Dlem Nguyen, Son Van Huynh, and Thien Tat Doa, "Enhancing Child Safety: Evaluating a Toolkit for Sexual Abuse Prevention Education in Primary Schools," *Multidisciplinary Science Journal* 6, no. 12 (2024), <https://doi.org/10.31893/multiscience.2024290>.

⁴¹ Muhammad Siddiq Armia et al., "Criticizing the Verdict of 18/JN/2016/MS.MBO of Mahkamah Syar'iyah Meulaboh Aceh on Sexual Abuse against Children from the Perspective of Restorative Justice," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 17, no. 1 (2022): 113–35, <https://doi.org/10.19105/al-ihkam.v17i1.4987>.

⁴² Michael Saini, Taina Laajasalo, and Stacey Platt, "Gatekeeping by Allegations: An Examination of Verified, Unfounded, and Fabricated Allegations of Child Maltreatment Within the Context of Resist and Refusal Dynamics," *Family Court Review* 58, no. 2 (2020): 417–31, <https://doi.org/10.1111/fcre.12480>.

⁴³ Pieter Hartel and Rolf van Wegberg, "Going Dark? Analysing the Impact of End-to-End Encryption on the Outcome of Dutch Criminal Court Cases," *Crime Science* 12, no. 1 (2023), <https://doi.org/10.1186/s40163-023-00185-4>.

⁴⁴ Shwetha Prabhu, Savitha Prabhu, and Flavia Noronha, "Knowledge of Child Sexual Abuse and Attitudes Towards Reporting It Among Teachers and Parents of Children Studying in Selected Primary Schools of Udupi Taluk, India," *Egyptian Journal of Forensic Sciences* 13, no. 1 (2023), <https://doi.org/10.1186/s41935-023-00365-y>.

⁴⁵ Michael B MacIsaac et al., "Prevalence and Characteristics of Interpersonal Violence in People Dying From Suicide in Victoria, Australia," *Asia-Pacific Journal of Public Health* 30, no. 1 (2018): 36–44, <https://doi.org/10.1177/1010539517743615>.

⁴⁶ Shumaira Rahim et al., "Child Sexual Abuse in Pakistan Schools: A Non-Systematic Narrative Literature Review," *Journal of Child Sexual Abuse* 30, no. 5 (2021): 546–62, <https://doi.org/10.1080/10538712.2021.1901168>.

⁴⁷ Shely Polak, Rebecca Bailey, and Elizabeth Bailey, "Secondary Traumatic Stress in the Courtroom: Suggestions for Preventing Vicarious Trauma Resulting from Child Sexual Abuse Imagery," *Juvenile and Family Court Journal* 70, no. 2 (2019): 69–75, <https://doi.org/10.1111/jfcj.12137>.

⁴⁸ Lennart Bayer et al., "Child Protection and Child Sexual Abuse Prevention in Schools: Self-Assessment and External Assessment of School Professionals' Educational Needs," *Child Protection and Practice* 7 (2025), <https://doi.org/10.1016/j.chipro.2025.100245>.

⁴⁹ Beverly Chia Chi Liu and Michael S Vaughn, "Legal and Policy Issues from the United States and Internationally About Mandatory Reporting of Child Abuse," *International Journal of Law and Psychiatry* 64 (2019): 219–29, <https://doi.org/10.1016/j.ijlp.2019.03.007>.

⁵⁰ Theodore P Cross and Debra Whitcomb, "The Practice of Prosecuting Child Maltreatment: Results of an Online Survey of Prosecutors," *Child Abuse and Neglect* 69 (2017): 20–28, <https://doi.org/10.1016/j.chiabu.2017.04.007>.

⁵¹ Zsófia A Szojka et al., "Challenging the Credibility of Alleged Victims of Child Sexual Abuse in Scottish Courts," *Psychology, Public Policy, and Law* 23, no. 2 (2017): 200–210, <https://doi.org/10.1037/law0000117>.

⁵² Marianne Hester and Sarah-Jane Lilley, "More Than Support to Court: Rape Victims and Specialist Sexual Violence Services," *International Review of Victimology* 24, no. 3 (2018): 313–28, <https://doi.org/10.1177/0269758017742717>.

From a doctrinal perspective, repeated sexual abuse committed through sustained abuse of authority should be interpreted by examining the continuity of criminal conduct rather than the numerical repetition of individual acts.⁵³ Classical criminal law doctrine recognises that legal qualification must reflect the substantive character of offending, particularly when successive acts arise from an integrated criminal purpose.⁵⁴ The concept of *voortgezette handelings* provides an interpretative framework for identifying continuity through factors such as the unity of intention,⁵⁵ similarity of conduct, temporal proximity, and contextual connection between successive offences. Applying this doctrine to repeated sexual abuse shifts judicial attention from isolated criminal episodes toward the overall pattern of exploitation experienced by victims. Such an interpretation more accurately reflects the cumulative nature of institutional abuse,⁵⁶ where repeated offences are facilitated by ongoing authority rather than independent criminal decisions.⁵⁷ A conduct-based approach also strengthens the principle of proportionality because criminal responsibility is determined according to the entire course of offending instead of fragmented legal events.⁵⁸ Accordingly, the doctrinal function of *voortgezette handelings* should be understood not merely as an exception within criminal law but as a mechanism for ensuring that legal qualification corresponds with the substantive reality of repeated victimisation.⁵⁹ This interpretation aligns criminal law with its broader objective of delivering coherent and proportionate accountability for systematic sexual abuse against children.

Contemporary criminal law scholarship generally recognises that repeated offences should not always be interpreted solely through the formal separation of individual criminal acts but should also consider the continuity of criminal behaviour,⁶⁰ the offender's underlying intent, and the cumulative harm experienced by victims.⁶¹ Previous studies have predominantly examined *voortgezette handelings* from a doctrinal perspective by analysing statutory interpretation, judicial precedents,⁶² or the historical development of criminal law concepts.⁶³ While these studies have clarified the legal boundaries between *voortgezette handelings* and *concurus realis*,⁶⁴ they have devoted comparatively limited attention to cases involving repeated sexual abuse committed through sustained institutional authority over child victims. Consequently, the interaction between legal qualification,⁶⁵ abuse of authority, and victim protection has remained insufficiently explored within contemporary scholarship.⁶⁶ The discussion presented here

⁵³ Brandi D Liles et al., "A California Multidisciplinary Juvenile Court: Serving Sexually Exploited and At-Risk Youth," *Behavioral Sciences and the Law* 34, no. 1 (2016): 234–45, <https://doi.org/10.1002/bsl.2230>.

⁵⁴ Andrea Danese and Cathy Spatz Widom, "Objective and Subjective Experiences of Childhood Maltreatment and Their Relationships with Cognitive Deficits: A Cohort Study in the USA," *The Lancet Psychiatry* 11, no. 9 (2024): 720–30, [https://doi.org/10.1016/S2215-0366\(24\)00224-4](https://doi.org/10.1016/S2215-0366(24)00224-4).

⁵⁵ Tetti Solehati et al., "Determinants of Sexual Abuse Prevention Knowledge among Children's Schools in West Java Indonesia: A Cross-Sectional Study," *Social Sciences* 11, no. 8 (2022), <https://doi.org/10.3390/socsci11080337>.

⁵⁶ Elena Maydell, "It Just Seemed Like Your Normal Domestic Violence: Ethnic Stereotypes in Print Media Coverage of Child Abuse in New Zealand," *Media, Culture and Society* 40, no. 5 (2018): 707–24, <https://doi.org/10.1177/0163443717737610>.

⁵⁷ Abenaa Acheampong Jones et al., "A Longitudinal Analysis of the Substance Abuse, Violence, and HIV/AIDS (SAVA) Syndemic among Women in the Criminal Justice System," *Journal of Psychoactive Drugs* 51, no. 1 (2019): 58–67, <https://doi.org/10.1080/02791072.2018.1562132>.

⁵⁸ Nokwenzeka Boyana and Mathabo Khau, "Understanding the Mandatory Reporting of Child Sexual Abuse in Selected Special Schools, Eastern Cape, South Africa," *Cogent Social Sciences* 11, no. 1 (2025), <https://doi.org/10.1080/23311886.2025.2465829>.

⁵⁹ Nilüfer Koçtürk and Fadime Yüksel, "The Characteristics of Child Sexual Abuse in the School Environment in Turkey," *Journal of Child Sexual Abuse* 27, no. 7 (2018): 852–69, <https://doi.org/10.1080/10538712.2018.1501787>.

⁶⁰ Colleen M Berryessa, "The Potential Influence of Criminological Rationales in Considering Childhood Abuse as Mitigating to Sentencing," *Child Abuse and Neglect* 111 (2021), <https://doi.org/10.1016/j.chiabu.2020.104818>.

⁶¹ Maureen C Kenny and Alena Prikhidko, "Mothers Attitudes Toward Child Sexual Abuse Prevention in Schools: A Preliminary Examination," *Journal of Child and Adolescent Trauma* 15, no. 2 (2022): 297–306, <https://doi.org/10.1007/s40653-021-00361-1>.

⁶² Lucy McGill and Rosaleen McElvaney, "Adult and Adolescent Disclosures of Child Sexual Abuse: A Comparative Analysis," *Journal of Interpersonal Violence* 38, no. 1–2 (2023): NP1163–86, <https://doi.org/10.1177/08862605221088278>.

⁶³ Malin Joleby et al., "Offender Strategies for Engaging Children in Online Sexual Activity," *Child Abuse and Neglect* 120 (2021), <https://doi.org/10.1016/j.chiabu.2021.105214>.

⁶⁴ Judith Cashmore, Alan Taylor, and Patrick Parkinson, "Fourteen-Year Trends in the Criminal Justice Response to Child Sexual Abuse Reports in New South Wales," *Child Maltreatment* 25, no. 1 (2020): 85–95, <https://doi.org/10.1177/1077559519853042>.

⁶⁵ Charlotte A Bücken et al., "Nothing Happened": Legal Implications of False Denials Among Abused Children," *Child Abuse Review* 32, no. 2 (2023), <https://doi.org/10.1002/car.2791>.

⁶⁶ Emelie Ernberg et al., "Court Evaluations of Young Children's Testimony in Child Sexual Abuse Cases," *Legal and Criminological Psychology* 23, no. 2 (2018): 176–91, <https://doi.org/10.1111/lcrp.12124>.

extends existing literature by integrating doctrinal analysis with comparative judicial practice,⁶⁷ demonstrating that legal qualification directly influences judicial recognition of repeated victimisation, proportional criminal responsibility,⁶⁸ and sentencing consistency.⁶⁹ Rather than treating *voortgezette handeling* merely as a technical doctrine governing multiple offences,⁷⁰ this interpretation positions it as a mechanism capable of reflecting the substantive reality of systematic sexual abuse committed through continuous exploitation of institutional trust. This perspective broadens current criminal law scholarship by linking the doctrine of continuing criminal conduct with the principles of victim-oriented justice and proportional accountability, thereby offering a more comprehensive framework for evaluating repeated sexual abuse within *pesantren* and other institutional environments.

Recommendations emerging from this discussion emphasize the need for coordinated improvements at the conceptual, methodological, and policy levels to strengthen judicial responses to repeated child sexual abuse.⁷¹ At the conceptual level, clearer doctrinal parameters are required to distinguish the application of *concursum realis* and *voortgezette handeling*, particularly in offences characterised by continuity of conduct, abuse of authority, and repeated victimisation. More explicit interpretative guidance would reduce uncertainty in determining when successive criminal acts should be regarded as a continuing course of criminal conduct rather than as independent offences. From a methodological perspective, future research should extend beyond doctrinal analysis by incorporating empirical investigations involving judges,⁷² prosecutors, investigators, forensic psychologists, and victim assistance institutions to examine how legal qualification is formulated in judicial practice. Comparative research across additional jurisdictions would further enrich understanding of judicial approaches to repeated sexual abuse committed within educational and religious institutions. At the policy level, judicial authorities should consider developing practical sentencing guidelines that promote consistent assessment of aggravating circumstances, institutional abuse of authority, cumulative victim harm, and continuity of criminal conduct. Capacity-building programmes for judges and prosecutors should likewise reinforce victim-oriented adjudication through a more substantive interpretation of repeated offending. Collectively, these recommendations are expected to promote greater legal certainty, proportional criminal accountability, and more effective protection of child victims within *pesantren* and other institutional settings.

4. Conclusion

This study demonstrates that the legal qualification of repeated sexual abuse against male children in *pesantren* requires a judicial interpretation that extends beyond the numerical repetition of criminal acts. The empirical evidence indicates that the prevailing application of *concursum realis* inadequately captures the continuity of criminal intent, the systematic abuse of authority, and the cumulative physical and psychological harm suffered by victims. As a result, criminal liability and sentencing may not fully reflect the gravity of continuing victimization. Conversely, *voortgezette handeling* provides a more appropriate

⁶⁷ Gwendolyn D Anderson, "The Continuum of Disclosure: Exploring Factors Predicting Tentative Disclosure of Child Sexual Abuse Allegations During Forensic Interviews and the Implications for Practice, Policy, and Future Research," *Journal of Child Sexual Abuse* 25, no. 4 (2016): 382–402, <https://doi.org/10.1080/10538712.2016.1153559>.

⁶⁸ Deirdre Margo Rule, "Child Sexual Abuse Reporting Intentions of Primary School Teachers in South Africa: An Application of the Theory of Planned Behavior," *Children and Youth Services Review* 179 (2025), <https://doi.org/10.1016/j.chidyouth.2025.108579>.

⁶⁹ Adenike Abisola Asaolu and Oladimeji Oladepo, "They Will Use Her as a Proverb': Exploring Adolescent Leaders' Perspectives on Barriers to Reporting Child Sexual Abuse in Nigerian Schools," *Journal of Interpersonal Violence*, 2026, <https://doi.org/10.1177/08862605251414438>.

⁷⁰ Veronika Odinkova et al., "Measuring Child Sexual Exploitation and Abuse in Armenian Schools: Feasibility of a Digital Survey and Implications of Module-Specific Consent," *Child Abuse and Neglect* 176 (2026), <https://doi.org/10.1016/j.chiabu.2026.108071>.

⁷¹ Mikaela Magnusson, Emelie Ernberg, and Sara Landström, "Preschoolers' Disclosures of Child Sexual Abuse: Examining Corroborated Cases from Swedish Courts," *Child Abuse and Neglect* 70 (2017): 199–209, <https://doi.org/10.1016/j.chiabu.2017.05.018>.

⁷² Susan Schmidt, "Child Maltreatment & Child Migration: Abuse Disclosures by Central American and Mexican Unaccompanied Migrant Children," *Journal on Migration and Human Security* 10, no. 1 (2022): 77–92, <https://doi.org/10.1177/23315024221078951>.

legal framework for addressing repeated offenses arising from a single criminal design because it recognizes the continuity of unlawful conduct rather than treating each act as an isolated offense. Such an interpretation strengthens proportionality in sentencing, promotes consistency in judicial reasoning, and reinforces legal certainty in resolving cases involving repeated sexual abuse against children. From the perspective of Islamic law, repeated sexual abuse constitutes a serious violation of the objectives of preserving human dignity, life, and lineage (*maqāṣid al-sharī'ah*). Accordingly, criminal responsibility should be determined by considering the continuity of the offender's intention, the abuse of trust, and the lasting impact experienced by victims. Integrating these legal perspectives establishes a more comprehensive basis for protecting children while ensuring that judicial decisions respond proportionately to the seriousness of continuing sexual abuse.

Conceptually, this study enriches the discourse on continuing offenses by clarifying the legal distinction between *conkursus realis* and *voortgezette handeling* in cases involving repeated sexual abuse against children. The findings demonstrate that interpreting repeated criminal conduct through the doctrine of continuing offenses provides a more coherent foundation for criminal liability than relying solely on the plurality of criminal acts. Methodologically, the integration of empirical legal research, qualitative field data, judicial analysis, and Islamic legal perspectives offers a multidisciplinary framework capable of explaining both normative principles and judicial practice. Theoretically, the study strengthens the relationship between Indonesian criminal law and Islamic legal values by emphasizing child protection, proportional punishment, and legal certainty as complementary objectives. These contributions provide practical guidance for judges, prosecutors, investigators, advocates, legislators, and policymakers in developing more consistent legal interpretations and sentencing standards for continuing sexual abuse cases. Although this study focuses on selected judicial decisions and participants, the proposed framework may serve as a reference for future comparative research involving broader jurisdictions, additional legal institutions, and different legal traditions to further evaluate the application of continuing offense doctrine in strengthening child protection and criminal justice reform.

Declarations

Author Contribution Statement

Filda Rosa contributed to conceptualization, methodology, investigation, formal analysis, and writing—original draft. Edi Rosman contributed to supervision, validation, writing—review and editing, project administration, and manuscript approval. All authors approved the final manuscript.

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Declaration of Interests Statement

The authors declare no competing interests.

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