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The Relevance of Certain Case Characteristics in the Successful Prosecution of Child Sexual Abuse Cases in Indonesia

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ABSTRACT

Successful prosecution in child sexual abuse (CSA) cases is an essential purpose of law enforcement agencies to ensure accountability of perpetrators and children's safety. However, research has shown that legal prosecution of CSA cases is a highly complex endeavor resulting in only a limited percentage of cases being prosecuted and ultimately proven in court. Most attrition occurs at the stage of the police investigation. The current study is the first study of CSA prosecution in an Asian country. We aimed to identify factors, which contribute to Indonesian CSA cases prosecution. We examined police files of CSA cases ($N = 179$) from three police units in greater Jakarta. We found that only 32% ($n = 58$) of cases were prosecuted. The following factors increased the odds of prosecution: victim being threatened, the suspect confessed, medical examination report being present, duration of investigations between one to 2 months, and the case being charged under the Child Protection Law. These findings (threat, suspect confession, and the presence of a medical examination report) correspond to previous studies in other jurisdictions.

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Prosecution of child sexual abuse (CSA) cases is an important and critical aspect of a community's response in terms of holding perpetrators accountable and protecting children (Cross et al., 2003). CSA is a form of child maltreatment with an estimated prevalence ranging from 4 to 18% (Pereda et al., 2009; Stoltenborgh et al., 2011). It is often viewed as an iceberg phenomenon because the actual number of CSA cases exceeds the number of cases reported to law enforcement authorities (Fergusson et al., 2000; Hardt & Rutter, 2004). Children's reluctance to disclose child sexual abuse often serves as an explanation for this phenomenon of underreporting (McElvaney, 2015).

CSA is one of the most difficult crimes to detect and prosecute (Chin, 2010). One of the reasons for the complicated and arduous process of CSA prosecution is the sensitive and taboo nature of this issue (Veenema et al., 2015).

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Children are reluctant to disclose their abusive experiences because sexual abuse is often a very private, embarrassing, and shameful topic to discuss (Cronch et al., 2006; Tyler, 2002) and also because children may be unaware of the abusive nature of the acts (Veenema et al., 2015).

Furthermore, reporting CSA to authorities in a non-Western, collectivistic culture is perceived as a harmful decision because of shame and the need to save face (Xie et al., 2017). A high nondisclosure rate has also been found in Ghana and South Korea in relation to shame, patriarchy, maintenance of family honor or reputation, and the cost of losing a breadwinner (Boakye, 2009; Han & Kim, 2016). Lalor (2004) concluded that problems concerning child sexual abuse in Kenya and Tanzania should be handled within families according to local tradition. Furthermore, withdrawal of statements regarding CSA by children or their family members is common (Han & Kim, 2016; Xie et al., 2017).

Even when victims of CSA do report, Veenema et al. (2015) showed that such disclosures are often poorly processed through the next stages (e.g., investigation, prosecution) by law enforcement agencies. Previous research from different countries has shown that child sexual abuse has a higher attrition rate than other types of offenses (Fitzgerald, 2006; Cross et al., 2003). For example, up to 40% of CSA cases were dropped from prosecution in four United States jurisdictions: New York, Iowa, Minnesota, and California (Cross et al., 1995). In Sweden, only 1 in 10 cases reported to the police was prosecuted (Diesen & Diesen, 2013). Based on data from the police and the criminal courts in New South Wales, Australia, it was found that most CSA cases do not proceed beyond the police investigation stage, with only 15% of reported CSA cases being criminally prosecuted and only 8% ultimately proven in court (Fitzgerald, 2006). Comparing prosecution rates across different countries is challenging because the legalization and procedures surrounding CSA prosecution can vary significantly across jurisdictions.

The low prosecution rate of CSA cases is attributed to a number of factors. The main factor is the availability of corroborating evidence to support testimonies from child victims (Brereton & Cole, 1991; Bunting, 2008; Duron, 2018). Burrows and Powell (2014) found that public prosecutors often decided not to prosecute CSA cases because the evidential quality was low. Walsh et al. (2008) identified that having at least two pieces of evidence, such as a disclosure statement, a corroborating witness, a suspect confession, and an additional report against the suspect (e.g., other victims came forward or were discovered after the child's investigation) was more likely to result in cases being prosecuted compared to cases that included only children's statements. They also found that when cases were lacking strong pieces of evidence (no physical evidence and no confession from the probable suspect), cases

with a corroborating witness were nearly twice as likely to result in prosecution compared to cases without a corroborating witness.

Ernberg et al. (2018) examined differences between prosecuted and non-prosecuted cases of 2- to 6-year old alleged CSA victims in Sweden. They found that the presence of forensic evidence (documentation of abuse: either photo or video-documentation, corroborating DNA evidence, corroborating medical examination) and a confession from the suspect increased the likelihood of prosecution. However, in many CSA cases, other witnesses and/or corroborating evidence (medical or photo/video of the abuse) are not available.

Another factor impacting whether CSA cases are prosecuted is the victim's age. A number of studies showed that the CSA victim's age affected prosecution rates. Bunting (2008) found that cases with younger children were more likely to be dropped than cases with older children because they were considered too young to be a credible witness. Ernberg et al. (2018) also noted in their study of pre-school aged children (range = 2–6 years, $M = 4.52$, $SD = 1.25$) that CSA cases with older pre-school children as alleged victims were more likely to be prosecuted than cases with younger pre-school children.

The burden of proof is a core issue in any CSA prosecution. A number of factors, such as the availability of corroborating forensic evidence or a suspect's confession increases the likelihood of a case being prosecuted. In addition to these evidentiary factors, a substantial number of studies has revealed the importance of extra-evidentiary factors on case prosecution outcome, such as age of the child victim and cultural values related to shame and family honor. Until now, most studies on factors in CSA prosecution have been conducted in Western countries. In the present study, we examined a set of case characteristics derived from Indonesian CSA police files to identify which factors are associated with the prosecution (or not) of the case.

Context of the present study

Indonesian law has several legal statutes for prosecuting CSA, such as the Criminal Code, the Child Protection Law (Republic of Indonesia, 2002, 2014, 2016) and the Domestic Violence Eradication Law (Republic of Indonesia, 2004). In addition, the President of the Republic of Indonesia signed a Government Ordinance in 2016 (Republic of Indonesia, 2016) which added an article to the Child Protection Act about the punitive treatment of sexual offenders, which includes chemical castration, public disclosure of offender identity, and electronic surveillance.

CSA is acknowledged in the Indonesian Child Protection Law as a crime, with a similar severity classification as terrorism, corruption and drug offenses,

for which a perpetrator could be convicted to a life sentence or the death penalty and even a chemical castration for specifically a CSA perpetrator. Obviously, the existence of specific legal statutes is a necessary but not sufficient condition for promoting justice in CSA cases. Next to the legal statutes, the response of law enforcement plays a role in the delivery of justice. The Indonesian National Police has special Children and Women units at least one in each district to handle CSA allegation reports. The prosecution rate of CSA cases is an important indicator of the effectiveness of criminal justice procedures (Cross et al., 2005; Ells, 2000). However, there are currently no data on prosecution rates in CSA cases in Indonesia.

The present study

We conducted an archival study to determine case characteristics in police files of CSA cases. We decided to work with police files because attrition mostly occurs during the police investigation phase (Fitzgerald, 2006; Cross et al., 2003). The goal of the current study was to identify which case characteristics contribute to the outcome of CSA cases prosecution in Indonesia (prosecuted vs. not prosecuted). Not prosecuted cases include withdrawals (when parents/significant others or/and alleged CSA victims requested the police to stop the ongoing investigation) and drop-outs (when the case could not be prosecuted because of lack of evidence or a suspect could not be identified). Based on the study of Connolly and Read (2006), we focused on alleged victim/complainant characteristics, suspect/accused characteristics, and offense characteristics. We also added evidentiary characteristics as investigated by Cross et al. (1994).

This is the first archival study of CSA police files conducted in Indonesia. Rumble et al. (2018) showed that CSA research in Indonesia is scarce. Comparable studies have been conducted in Sweden (Ernberg et al., 2018), Northern Ireland (Bunting, 2008), United States (T. P. Cross et al., 1994), and Australia (Christensen et al., 2016). We assumed that the cultural differences between Western and Asian countries such as Indonesia might influence the CSA cases prosecution outcome. For example, CSA victims in Indonesia seldom disclose and rarely seek support as sexual abuse is considered as a private issue (Rumble et al., 2018). Based on previous studies, we hypothesized that cases including a suspect confession, an older alleged victim, a higher level of abuse severity (penetrative, forced, and/or repeated sexual abuse), and the availability of corroborating evidence would be significantly more likely prosecuted compared to cases without these features (W. A. Walsh et al., 2010; Ernberg et al., 2018).

Method

Case files

This study is part of a larger research project for which ethical approval was granted by the Ethical Review Committee Psychology and Neuroscience (ERCPN-183_02_09_2017), Maastricht University. The data collection took place in three Children and Women units (East Jakarta, South Jakarta and Depok) in Jakarta, Indonesia. Based on an a priori G*power analysis (Faul et al., 2007), the required sample size was determined. To test 11 variables that were divided into four case characteristics domains (alleged victim and suspect, offenses, evidence, and the criminal prosecution process), using a power of .80, and an expected small effect size based on Connolly and Read (2006) and Christensen et al. (2016) (odds ratio = 1.72, see Chen, Cohen, & Chen, 2010), the desired sample size was calculated at 139. We were granted access to 186 police files with CSA cases that were investigated between 2010 and 2016. The data can be accessed at the Open Science Framework (OSF) website: <https://osf.io/tha2p/>.

Inclusion criteria

According to the Indonesian Child Protection Law (Republic of Indonesia, 2002, 2014), a child is defined as someone below 18 years old. Therefore, police files in this study refer to files concerning persons below 18 years old. The term CSA is not mentioned in current legal statutes in Indonesia. Sitompul (2015) identified two categories of legal statutes relevant to the protection of children from sexual abuse: the Indonesian Criminal Code (KUHP): sexual intercourse and molestation, and the Child Protection Law which states explicitly that every child has the right to be protected from sexual offending: it is prohibited to use violence or threat with violence, force, lure, lying or persuasion to involve a child in sexual intercourse or molestation (Republic of Indonesia, 2014). Thus, only cases concerning either sexual intercourse or molestation (with or without violence, forcing, luring, lying, and/or persuading children to get involved in inappropriate sexual behavior, e.g., touching, kissing, petting) were included in our study.

Procedure

Before starting the data collection, a data coding manual was developed based on Read et al.'s (2006) study, see: <https://osf.io/4jadp/>. The first author recruited two research assistants: a final year bachelor Indonesian student in law and an Indonesian psychology bachelor graduate. The coders were trained in using the coding manual.

To access police files, a formal letter asking permission was sent to the authorities at the national level: Criminal Investigation Board at the Indonesian National Police and also the Head of Police Offices where data collection would take place. This study was approved by the Dean of the Faculty of Psychology, Universitas Indonesia, based on the research proposal and ethical approval provided by Maastricht University. Subsequently, the Dean of the faculty provided a letter of support to the Indonesian National Police. After meetings with the police authorities, we received permission to inspect the CSA police files.

Random sampling could not be applied. Two out of the three Heads of the Children and Women units decided to select the case files for us based on the inclusion criteria stated in our letter. They did not allow us to select the cases randomly because of confidentiality issues. We obtained 98 preselected cases from those two units and another 88 cases that we ourselves selected based on our inclusion criteria from the accessible filing cabinet. We excluded seven police files because the alleged CSA victims were 18 years old or even older.

Because police files were confidential, the first author and the two research assistants read and coded the files inside the police office. To comply with ethical regulations, all coders signed a confidentiality agreement stating that they would assure confidentiality of all information in the police files.

Data coding

The prosecution outcome of the case, as our dependent variable, was coded into two categories: prosecuted and non-prosecuted cases. A case was coded as having a prosecuted outcome based on a *P-21* letter which was a letter signed by the public prosecutor stating explicitly that the investigation was judged complete and eligible to proceed with filing of charges. A case was coded as having a non-prosecuted outcome if there was no *P-21* letter but a *P-19* letter, which was a letter signed by the public prosecutor stating explicitly that the file was returned to the police investigative team because of incompleteness. Cases that did not include a *P-21* or *P-19* letter were also coded as non-prosecuted. These included case files that contained a letter from parents stating they made the decision, free from intimidation or external pressure, to withdraw the allegation and requesting explicitly to stop the investigation.

Four domains of case characteristics were used as independent variables (see also Connolly & Read, 2006), (1) factors associated with the alleged victim and the accused, consisting of a number of variables: gender, age, and relationship with the complainant; (2) factors associated with the offense, consisting of: abuse severity (non-penetrative vs penetrative); frequency of the alleged abuse (single vs repeated), use of threat, and

sexual consequences of the alleged abuse (no report of sexual consequences; pain in genitalia or pregnancy; (3) factors associated with the evidence consisting of: suspect confession and/or a medico-legal report signed by a medical doctor (Utama, 2014); and (4) factors associated with the criminal justice process consisting of: duration of the investigation, and number of legal statutes used to argue the charges.

Coding

Variables related to the alleged victim and the suspect

First, alleged victims' gender was coded. Second, his or her actual age when reporting to the police was entered as a continuous variable. Subsequently, we created three groups: (1) adolescent (13–17 years old); (2) school age children (7–12 years old); and preschool age children (below 6 years old). We also coded age of the suspect and the relationship between the suspect and the alleged victim: intra-familial (the accused is a member of the nuclear or extended family, including step- or foster parents) or extra-familial (the accused and the complainant are not related, including acquaintances and strangers).

Variables related to the offense

The reported offense was coded into three levels of severity (Connolly & Read, 2006; Giroux et al., 2018): level 1 (fondle over or under clothes, genital exposure), level 2 (masturbation, simulated intercourse, oral sex, digital penetration or attempted penetration), and level 3 (vaginal or anal penetration). We also coded the frequency of the offense(s). First, we recorded the exact number of incidents or description of the frequency (e.g., many times, frequently) and then this variable was recoded as single versus repeated abuse. We coded the alleged victim's report of having been threatened by the suspect or other evidence of threat, into three categories: (1) no report or evidence of threat; (2) report or evidence of verbal threat, e.g., to keep silent to avoid harmful consequences of disclosure; and (3) report or evidence of direct physical violence, e.g., the alleged victim reported being kicked or forced violently. Finally, we coded whether or not the alleged victim reported sexual consequences in the following categories: (1) no report of experiencing any sexual-related consequences; (2) report of suffering pain in genitalia; and (3) pregnancy.

Variables related to the evidence

Based on the Indonesian Code of Criminal Procedure (Republic of Indonesia, 1981), there are five types of evidence which are admissible in court: (1) oral witness/victim testimony, (2) oral expert testimony, (3) a written document made under oath (e.g., minutes or other documents

made in official form by or in front of a competent public official; written testimony by an expert), (4) an piece of evidence which refers to an act, event or circumstance signifying that an offense has occurred (e.g., video footage of the alleged abuse), and (5) the defendant's testimony. We coded aspects of admissible evidence as follows: (1) suspect confession was coded as no confession vs confession (including partial and full confession); (2) medicolegal report, which was coded as not available or available with either a negative or a positive result. We focused on these two types of admissible evidence because previous studies (Walsh et al., 2010; Lippert et al., 2010; Cross et al., 1994, 1995; Redlich et al., 2018) found that these were statistically significant predictors of case prosecution outcome.

Variables related to the criminal justice process

We added a variable related to the duration of the investigation, which was calculated on the basis of two pieces of information: the date of the original report made by the alleged victim and the file termination date derived from the final letter which informed about the case outcome. We subsequently recoded this variable into three categories: (1) less than a month, (2) between 1–2 months, and (3) more than 2 months. Within this variable domain, we also included the reference to the legal statute used in the investigation, divided into three categories: (1) only the Indonesian Criminal Code; (2) only the Child Protection Law; (3) or a combination of these two. We also counted the number of articles within the law referred to in the file: (1) one article; (2) two articles, or (3) more than two articles.

Interrater agreement (Cohen's κ) for the predictor variables was calculated between two raters on the basis of 40 (circa 20%) randomly selected case files. Cohen's κ ranged from .87 to 1.0, indicating adequate agreement between raters (Cohen, 1960).

Statistical analyzes

First, we were interested in examining possible differences between the three victim age groups: preschool age (below 6 years old); elementary school age (7–12 years old); and adolescence (13–17 years old). We performed separate Chi-Square analyses with age category as independent variable and frequency, severity, threat, and sexual consequences as outcome variables.

Then, we conducted the main analyses of this study in order to examine the predictors of case prosecution outcome. A three-step analytical strategy was used. First, all police files were grouped into prosecuted versus non-prosecuted cases (which consisted of withdrawn and drop-out

cases). Once groups were established, Chi-Square analyses were performed to identify the association between case characteristics variables and these two categories (prosecuted vs non-prosecuted) as outcome variable. Subsequently, predictor variables that differentiated between the two groups were entered into a binary logistic regression model with case status (prosecuted versus non-prosecuted) as the dependent variable.

Results

A total of 179 police files of CSA cases investigated between 2010 and 2016 were analyzed for the purpose of this study. Most of the cases involved girls ($n= 168$; 94%) who were students at elementary or high schools ($n= 155$; 87%). The alleged CSA victims' age ranged from 2 to 17 years old, with a mean age of 12.4 years. Overall, 19 (11%) of the alleged CSA victims were preschool children – below 6 years old; 45 (25%) were school age children, 7–12 years old; 115 (64%) were adolescents, 13–17 years old.

We examined whether there were differences in offense-related variables between these three age groups. We found statistically significant differences between preschoolers, school-aged children and adolescents in severity of the offenses, experiencing sexual consequences and use of threat during the offense, but no statistically significant difference in frequency of offenses (see Table 1).

By applying post-hoc comparisons, the analyses revealed that the proportions of some categories were statistically significantly different for the adolescent category compared to the other age categories. Specifically, penetration occurred more often in adolescent cases than in other age

Table 1. Comparison among age groups on variables related to the alleged offense.

	Pre-school age ($n= 19$)	School age ($n= 45$)	Adolescence ($n = 115$)	χ^2	df	p	V
Frequency							
Single incident	12 (63%)	16 (36%)	47 (41%)	4.28	2	.12	.15
Repeated abuse	7 (37%)	29 (64%)	67 (59%)				
Severity							
Level 1: Fondling, Exposure	2 (10%)	6 (13%)	6 (5%)	40.55	4	<.001	.34
Level 2: Oral sex, Masturbation	11 (58%)*	11 (25%)	7 (6%)*				
Level 3: Penetration	6 (32%)*	28 (62%)	101 (89%)*				
Sexual consequences							
No report	0	7 (21%)	11 (12%)	22.27	4	<.001	.28
Pain in genitalia	19 (100%)*	27 (79%)	52 (60%)*				
Pregnancy	0	0*	24 (28%)*				
Threat							
No report of threat	9 (47%)	23 (51%)	71 (62%)	12.62	4	.013	.19
Verbal threat	8 (42%)	14 (31%)	15 (13%)*				
Physical Violence	2 (11%)	8 (18%)	23 (25%)				

*Post-hoc comparisons, $p < .05$

category cases ($\chi^2 (4, N = 178) = 28.2; p < .001$). Also, worse sexual consequences of abuse were found more often in adolescent cases than in the other age categories, i.e., pain in genitalia ($\chi^2 (4, N = 139) = 10.89; p < .001; V = .28$) and pregnancy ($\chi^2 (4, N = 139) = 17.64; p < .001; V = .28$). Perpetrator's verbal threat was least reported in adolescent cases ($\chi^2 (4, N = 178) = 11.22; p < .001$). In order to be able to test our hypotheses, we divided all cases into two categories: prosecuted ($n = 58; 32\%$) and non-prosecuted cases ($n = 121; 68\%$). Chi-Square tests were conducted to identify case characteristics variables that differed significantly between prosecuted and non-prosecuted cases (see Table 2).

Table 2. Case outcomes (Prosecuted vs Nonprosecuted) in relation to case characteristics.

	Prosecuted <i>n</i> = 58	Nonprosecuted <i>n</i> = 121	χ^2	<i>df</i>	<i>p</i>	<i>V</i>
Age						
Preschool age (below 6)	9 (16%)	10 (8%)	2.18	2	.34	.11
School age (7–12)	14 (24%)	31 (26%)				
Adolescence (13–17)	35 (60%)	80 (66%)				
Gender						
Girl	54 (93%)	114 (94%)	.08	1	.75	.02
Boy	4 (7%)	7 (6%)				
Child and suspect relationship						
Intra-familial	6 (11%)	15 (13%)	.19	1	.66	.03
Extra-familial	50 (89%)	100 (87%)				
Frequency						
Single incident	21 (36%)	54 (45%)	1.24	1	.33	.08
Repeated abuse	37 (64%)	66 (55%)				
Severity						
Level 1: Fondling, Exposure	2 (3%)	12 (10%)	4.14	2	.12	.15
Level 2: Oral sex, Masturbation	13 (23%)	16 (13%)				
Level 3: Penetration	43 (74%)	92 (77%)				
Sexual consequences						
No report	4 (9%)	14 (15%)	1.77	2	.42	.11
Pain in genitalia	33 (70%)	64 (70%)				
Pregnancy	10 (21%)	14 (15%)				
Threat						
No report of threat	26 (45%)*	77 (64%)*	6.35	2	.04	.19
Verbal threat	17 (29%)	20 (17%)				
Physical Violence	15 (26%)	23 (19%)				
Suspect confession						
No confession	4 (7%)*	20 (20%)*	7.65	1	.02	.17
Partial/Full confession	54 (93%)*	82 (80%)*				
Medicolegal report						
No medicolegal evidence	3 (5%*)	26 (22%)*	8.44	2	.015	.22
Medicolegal with negative result	3 (5%)	8 (7%)				
Medicolegal with positive result	52 (90%)*	85 (71%)*				
Investigation duration						
Less than a month	2 (4%)*	44 (40%)*	24.91	2	<.001	.39
Between 1–2 months	35 (62%)*	42 (39%)*				
More than 2 months	19 (34%)	23 (21%)				
Legal statutes						
Criminal code	0	4 (3%)	7.60	2	.02	.21
Child Protection Law	29 (50%)*	37 (31%)*				
Combination	29 (50%)*	80 (66%)*				
Number of legal statutes used						
One	29 (50%)*	31 (26%)*	13.25	3	.004	.27
Two	23 (40%)*	77 (64%)*				
More than two	6 (10%)	13 (11%)				

*Post-hoc comparisons, $p < .05$

Our statistical analyses revealed that six variables discriminated statistically significantly between prosecuted and non-prosecuted cases. Cases were statistically significantly more likely to be prosecuted if the case involved threat, if the suspect confessed, if there was a positive medicolegal report as evidence, if the investigation duration was between 1 and 2 months, if the Child Protection Law was referenced to file charges and if only one article of the legal statute was used to argue the charges.

By applying post hoc comparisons, the analyses revealed that the proportion of some categories were statistically significantly different between prosecuted and non-prosecuted cases. For example, the proportion of reported threat was higher in prosecuted than in non-prosecuted cases ($\chi^2 (2, N = 178) = 6; p = .014, V = .19$). Furthermore, the proportion of suspect confessions was higher in prosecuted cases than in non-prosecuted cases ($\chi^2 (1, N = 160) = 4.84; p = .027, V = .17$). Also, the proportion of cases containing a medicolegal report with positive results was higher in prosecuted cases than in non-prosecuted cases ($\chi^2 (2, N = 177) = 7.40; p = .006, V = .22$). Regarding the factors associated with the criminal justice process, we found that the proportion of cases being investigated in less than a month was higher in non-prosecuted cases than prosecuted cases ($\chi^2 (2, N = 165) = 24.9; p < .001, V = .39$). It was also evident that the proportion of cases that used Child Protection Law as a basis for prosecution was higher in prosecuted than in non-prosecuted cases ($\chi^2 (2, N = 179) = 6.35; p = .011, V = .21$). Finally, the proportion of cases that used only one article of the legal statute as a basis for prosecution was higher in prosecuted than non-prosecuted cases ($\chi^2 (3, N = 179) = 10.43; p = .001, V = .27$).

In the next step, the six variables that discriminated statistically significantly between prosecuted and non-prosecuted cases were entered into a binary logistic regression model, using case prosecution outcome as dependent variable. This logistic regression model is presented in Table 3.

The analysis revealed that cases in which medicolegal evidence was available, the suspect confessed, duration of the investigation was between 1 and 2 months, and just one legal article was referenced, were statistically significantly more likely to be prosecuted than to be non-prosecuted.¹

Discussion

In this archival study, we examined Indonesian police files of CSA cases investigated between 2010 and 2016 to identify case characteristics related to the prosecution outcome (prosecuted versus non-prosecuted). The percentage of prosecuted CSA cases (32%) was lower than the percentage of non-

¹We also conducted some exploratory analyses and they have been uploaded on OSF (see: <https://osf.io/f6k7n/>).

Table 3. Binary logistic regression analysis to examine the association between case characteristics and case prosecution outcome.

	B (SE)	95% CI for Odds ratio			df	p
		Lower	Odds ratio	Upper		
Constant	-4.46 (1.54)					.004
Threat	.43(.25)	.95	1.55	2.51	1	.08
Suspect confession	1.60 (.65)	1.37	4.92	17.75	1	.01
Medicolegal report	.71 (.32)	1.09	2.02	3.77	1	.03
Investigation duration	.81 (.31)	1.23	2.25	4.12	1	.008
Type of legislation	.33 (.52)	.50	1.39	3.81	1	.53
Number of legal statutes used	-.82 (.41)	.20	.44	.99	1	.04

$R^2 = .19, .26$ (Nagelkerke). Model χ^2 (6) = 31.33, $p < .001$.

prosecuted cases. Typical features of prosecuted CSA cases in our study were: 1) the case involved threat, 2) the suspect confessed, 3) there was a positive medicolegal report, 4) the case was investigated within a 1–2 months' time frame, and 5) the case was handled under a single article of the Child Protection Law. When we entered all these five case characteristics into a regression model, all features except the use of threat by the suspect, remained statistically significantly associated with successful prosecution.

The low rate of CSA cases being prosecuted (32%) is remarkable considering prosecution rates found in Western countries (Northern Ireland: 49%; Bunting, 2008; United States: 48–76%; Cross et al., 2003, and 64%; Walsh et al., 2008). Considering the fact that our data were derived from police files used in an early phase of the criminal justice process, our results confirm previous findings that attrition mostly occurs at this early stage (Fitzgerald, 2006; Kelly et al., 2005; Cross et al., 2003). Hence, our findings support the notion that CSA is widely recognized by legal professionals as one of the most difficult crimes to investigate and prosecute (Cashmore et al., 2017; Walsh et al., 2010).

Our findings regarding the prosecuted CSA case features are in line with previous studies in jurisdictions from Western countries, such as the United States (Cross et al., 2003; Stolzenberg, & Lyon, 2015), Sweden (Diesen & Diesen, 2013; Ernberg et al., 2018), and Australia (Bunting, 2008; Christensen et al., 2016; Fitzgerald, 2006). First, cases in which there was a medicolegal report with a positive result were more likely to be prosecuted than those without a medicolegal report or with a negative medicolegal result. Previous studies demonstrated that medicolegal reports are considered as strong evidence because they are viewed as objective (Campbell et al., 2009; Ernberg et al., 2018; Magnusson et al., 2018). However, many medicolegal reports do not provide corroborating evidence for the CSA (Bowen, & Aldous, 1999; Kelly et al., 2005) because in CSA cases, physical traces of the abuse are often not present.

Second, in line with our hypotheses, cases with a suspect confession were most likely to be prosecuted. This finding corresponds to previous research (Walsh et al., 2010; Duron, 2018; Ernberg et al., 2018; Lippert et al., 2010; Cross et al., 1995; Redlich et al., 2018). A confession by the suspect is widely recognized as powerful evidence (Walsh et al., 2008) and a strong predictor of case prosecution (Cross et al., 1994). One obvious reason for this is that an admission of wrongdoing by the perpetrator simplifies the decision to prosecute (Duron, 2018). In addition, a confession by a suspect also leads to a greater likelihood of a conviction (Bradshaw & Marks, 1990; Lippert et al., 2010).

Third, the presence of threat with physical violence was higher in prosecuted than in non-prosecuted cases. This finding was also in line with previous studies. Cross et al. (1994) also demonstrated that threat of force was related to prosecution. Indeed, research has also shown that CSA cases were more likely to result in acquittal when the defendant was not charged with force (Stolzenberg & Lyon, 2014). Remarkably, the threat of force disappeared as a statistically significant predictor of prosecution in the logistic regression analysis. The report of force of threat was entirely based on the alleged victim's statement, and it is possible that law enforcement authorities deemed these statements less objective, and therefore less credible, compared with the other case characteristics, such as the positive medicolegal report.

These three case characteristics led to a statistically significantly greater likelihood of case prosecution in this study (positive result of medicolegal report, suspect confession, and threat of force), and they are also well investigated in previous studies. Our findings support the current state of evidence regarding case characteristics that discriminate between prosecuted and non-prosecuted cases. Previous research has been exclusively focused on the Western context. The fact that we found similar findings in Indonesia implies that there might be universal case characteristics leading to CSA prosecution.

We also examined characteristics related to the investigation duration and the legal statutes as the investigation reference. Our study showed that cases were most likely to be prosecuted if the duration of the investigation was between 1 to 2 months. Cases in which the investigation took less than 1 month, or more than 2 months were less likely to be prosecuted. The investigation of CSA demands time. CSA is often committed in private settings in which corroborating evidence, for instance, eyewitness reports, is often not available and the child's statement usually provides most – if not all – of the information about the offense (Walsh et al., 2010; Smith et al., 2000). CSA victims in many cases do not spontaneously disclose or provide statements. Police investigators need enough time to collect probative evidence. However, if the investigation takes too long, this may indicate that there is a lack of corroborating evidence and/or the police are unable to secure such evidence, which ultimately results in non-prosecution.

We also found that the type of legal statute referenced in the file and the number of legal articles used was predictive of case prosecution. Specifically, reference to the Child Protection Law was statistically significantly associated with case prosecution. The Indonesian Child Protection Law is more specific compared to the Indonesian Criminal Code, which may result in more CSA cases meeting the burden of proof. Furthermore, cases referenced under a single legal article were more likely to be prosecuted than those referenced under more than one legal article. Perhaps reference to more than one legal article demands extra efforts by the police to obtain evidence to support the allegation. We suggest that referencing to one article of the Child Protection Law brings clarity to the investigation of the case which can later on lead to enough evidence to file charges. Studies have indicated that prosecutors attempt to avoid uncertainty by only filing charges in cases where the odds of conviction are high (Albonetti, 1987; Holleran et al., 2010).

In our study, we did not find that the age of alleged CSA victims predicted case prosecution as we had hypothesized, whereas other studies did (Bunting, 2008; Ernberg et al., 2018). The latter studies found that cases with younger children were more likely to be dropped than cases with older children, because they were considered too young to be a credible witness. However, older children who were considered more credible as witness, were also more likely to be blamed and unsupported (Walsh et al., 2012) even by their parents (Cross et al., 1994). The consequence of this is that some cases including older children were not prosecuted (Cross et al., 1994). We may not have been able to find support for both hypotheses, because of a relatively lower sample size of preschool ($n = 19$; 11%) and school age cases ($n = 45$; 25%), compared to adolescent cases ($n = 115$; 64%). However, we did find differences between the age groups of the alleged victims on offense-related characteristics. We found that adolescent-alleged victims were more likely to have experienced penetration, physical consequences in terms of pain in their genitalia and pregnancy, compared to younger children. Adolescents also experienced a lower level of threat compared to the younger children.

Another interesting observation was that almost 60% of the adolescent cases with a pregnancy report ($n = 14$) were non-prosecuted. To gain more insight into this issue, we conducted interviews with two Heads of the Children and Women units about the prosecution outcome for adolescent cases with a pregnancy report. We found that police investigators prefer to discontinue these cases by using mediation, especially if the suspect and the victim were of a similar age and had a dating relationship. A so-called *musyawarah mufakat*, a deliberation process where participants are asked to seek compromise to reach a consensus, is arranged to resolve the case. Family disputes, in this case between the families of the victim and the suspect, are traditionally considered domestic problems in Indonesia that should be handled privately by the families (Syukur & Bagshaw, 2013).

This mediation effort usually leads the victim and her family to withdraw the allegation. In case of a pregnancy, police investigators encourage both parties to think about the arrival of the baby. Subsequently, both families arrange a marriage between the victim and the suspect. Arranged marriage is viewed as a way to reduce the feeling of shame and in the best interest of the child (Breugelmans & Poortinga, 2006).

We observed that using only a single legal article of the Child Protection Law increased the likelihood of case prosecution. Thus, we offer the suggestion that the prosecution office creates focus in the police investigation by using the (newer) Child Protection Law instead of the Criminal Code, and to use just one legal article in the investigation phase. Second, because of the relevance of the suspect's confession for prosecution, it can be concluded that use of evidence-based investigative interviewing practices for suspects are highly important. For instance, the strategic use of evidence (SUE) technique (Granhag & Hartwig, 2015) could increase the probability of obtaining an objective and truthful confession. At present, such interviewing practices are not implemented in Indonesia.

Limitations

A number of limitations of this study need to be acknowledged. This study included CSA police files from three Children and Women's units from greater Jakarta. We could not apply random sampling in selecting case files. Response bias may have impacted the selection of police files which were provided by the heads of two of the units as they may have chosen successful or uncontroversial cases by their own preferences. One-unit head selected more prosecuted cases relative to the other two units. Another limitation of this study included missing data for some of our variables. We also could not examine other relevant variables, such as quality of the investigative interviews with victim and suspect, because there was no standardization in the interview report sections of the case files. These conditions have limited our ability to investigate case characteristics that actually may be of relevance to our research question. This study focused on the preliminary outcome of the criminal proceeding of CSA cases and we did not know the final outcome before the court. We recommend that the archival study of police files should be followed-up by investigating the court files of CSA cases (see Connolly & Read, 2006; Read et al., 2006) in order to monitor the final outcome of CSA cases in Indonesian courts.

Conclusion

The current study is the first archival study of CSA case files in Indonesia, which focuses on the early phase of criminal procedure, the police investigation. We found that suspect confession, presence of a medicolegal examination report with a positive result, duration of the investigation between 1 to 2 months and a single legal statute used to press charges, were positive predictors of the case being prosecuted. Our main findings correspond to previous research in other countries (Bunting, 2008; Cross et al. 1994; Magnusson et al., 2018). This implies that although there are culture-specific factors leading to the non-prosecution of CSA cases, certain factors are probably universal (e.g., suspect's confession and medicolegal evidence).

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Disclosure of interest

All authors declare that they have no conflicts to report.

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Ethical standards and informed consent

All procedures followed were in accordance with the ethical standards of the responsible committee on human experimentation [the Ethical Review Committee Psychology and Neuroscience – ERCPN – Maastricht University, the Netherlands] and with the Helsinki Declaration of 1975, as revised in 2000.

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