



LEGAL PROTECTION FOR CHILD VICTIMS SEXUAL VIOLENCE (Study of the Law Enforcement Process in Juvenile Justice)

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ABSTRACT

Child protection is all activities to guarantee and protect children and their rights so that they can live, grow, develop, and participate optimally in accordance with their human dignity, and receive protection from violence and discrimination. Based on the results of the research, it is known that the legal regulation of criminal acts of sexual violence against children is regulated in Article 76E of Law Number 35 of 2014 concerning Child Protection that everyone is prohibited from committing violence or threats of violence, forcing, using trickery, carrying out a series of lies, or persuading children to commit or allow indecent acts to be committed. Law enforcement against criminal acts of sexual violence against children is subject to sanctions based on Article 82 paragraph (1) in conjunction with Article 76E of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection with criminal sanctions in the form of imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years, and a maximum fine of IDR 5,000,000,000 (five) billion rupiah)

1. Introduction

Acts of violence, whether committed by individuals or collectively or in groups, severely disrupt public order and can even cause unrest. It appears that awareness of respect for human rights and compassion for others is diminishing or growing at a slower rate than expected, leading to a decline in the practice of doing good for others. This can undoubtedly influence a person's behavior, potentially leading to deviance

One of the deviant acts that often occurs is sexual violence. It is a form of crime that violates and tarnishes human dignity and deserves to be categorized as an extraordinary crime, requiring extraordinary measures. Efforts to stop the violence are crucial, as it has inflicted numerous wounds on the victims. The victims experience prolonged trauma, shame, and fear, which sometimes makes it difficult for them to recount the violence they experienced.





Sexual violence can occur in various contexts, including within intimate relationships, the workplace, education, or in conflict situations. This issue is a global issue affecting communities worldwide, including Indonesia. Based on the Annual Report on Violence Against Children from 2020 to August 2024, the types of violence against children are diverse.

Based on the annual report of the Commission on Violence Against Women, there were 7,864 cases of sexual violence against women from 2020 to August 2024, with 1,983 cases in 2020, 1,290 in 2021, 2,228 in 2022, and 2,363 in 2023. Based on this data, sexual violence against women has increased every year, except for a decrease in 2021.

Any violence that occurs in society ultimately stems from a particular ideology that legitimizes the oppression of one party, whether an individual or a group, by others, stemming from perceived inequality within society. The oppressed are cornered into a position of fear through periodic displays of power.

Violent crime results from interactions between humans and their environment. This interaction begins with motivation, which then develops into negative intentions to commit violent crimes to meet the needs and demands of life.

Sexual violence against children is a disturbing or harassing behavior or action carried out by a person or group of people against another party that is directly related to the gender of the person being harassed and is felt to lower the dignity and self-esteem of the person being harassed. Sexual harassment is a criminal act where an adult touches a minor for sexual gratification, for example rape (including sodomy).

Child sexual abuse can result in both short-term and long-term harm, including later psychopathology. Psychological, emotional, physical, and social consequences include depression, post-traumatic stress disorder, anxiety, eating disorders, low self-esteem, personal identity disturbances, and anxiety; common psychological disorders such as somatization, neurosis, chronic pain, changes in sexual behavior, and school/learning problems; and behavioral problems including substance abuse, self-harm, animal cruelty, adult criminality, and suicide. Specific patterns of symptoms have not been identified, and several hypotheses exist regarding causal associations.

Deviant sexual behavior is clearly a component of heterosexual sexual relations, which are usually compulsive. Therefore, sexual dysfunction and sexual deviation are aspects of common personality disorders and neuroses. Child sexual abuse is often perceived as deviant behavior because it forces someone to engage in sexual intercourse or makes someone the object of unwanted attention. This means that child molestation can take the form of indecent behavior, such as touching a vital part of the body, or it can also simply involve





indecent words or statements. The person being touched or made these statements does not enjoy it.

Sexual violence against children will undoubtedly impact their psychological and developmental well-being. The psychological impact on children can lead to long-term trauma, which can then lead to unhealthy attitudes, such as low self-esteem, excessive fear, impaired mental development, and ultimately, mental retardation. This situation can potentially become a painful memory for child victims of sexual abuse. The active role of law enforcement officials in combating crimes against morality is crucial

2. Research Method

This research is descriptive analytical, that is, research that merely describes the condition of an object or event without any intention of drawing generally applicable conclusions. Research that is descriptive analytical leads to normative juridical research, namely reviewed based on law. The type of research used in this study is normative juridical approach, namely to analyze laws and regulations relating to legal protection for children as victims of sexual violence

3. Results And Discussion

Children must be protected from becoming victims of crime by anyone (individuals or groups, private organizations, or the government), either directly or indirectly. In essence, children cannot protect themselves from various crimes that cause physical, mental, and social harm in various areas of life. Children need assistance in protecting themselves.

Article 59 of Law Number 35 of 2014 concerning Child Protection stipulates that the Government, Regional Governments, and other state institutions are obliged and responsible for providing Special Protection to Children. Special protection to children is provided to children in emergency situations, children in conflict with the law, children from minority and isolated groups, children who are exploited economically and/or sexually, children who are victims of abuse of narcotics, alcohol, psychotropics, and other addictive substances, children who are victims of pornography, children with HIV/AIDS, children who are victims of kidnapping, sale, and/or trade, children who are victims of physical and/or psychological violence, children who are victims of sexual crimes, children who are victims of terrorist networks, children with disabilities, children who are victims of mistreatment and neglect, children with deviant social behavior; and children who are victims of stigmatization from labeling related to the condition of their parents.





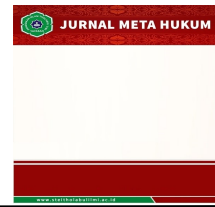
One component that can help children protect themselves is law enforcement, namely the Women and Children Protection Unit (PPA), which handles cases involving women and children. The Women and Children Information Service Unit, in handling cases of criminal violence, brings together the families of the victim and the perpetrator for deliberation to resolve the reported case. However, if no resolution is found, the Women and Children Information Service Unit will assist the victim in reporting the case to the police.

Judging from the provisions regarding the fulfillment of children's rights contained in the Child Protection Law, it can be stated that legal protection measures have been established for children who are victims of sexual violence. This protection adheres to the concept of combined criminal punishment and restorative justice.

Punishment for perpetrators of sexual crimes against children is not only intended to retaliate and deter the perpetrator, but also to restore the child to the state they were in before the crime occurred. This is in accordance with the principle of restorative justice, which states that justice cannot be achieved simply by imposing sanctions on the perpetrator; it is also appropriate to consider aspects of fulfilling the rights of the victim. Therefore, child victims of sexual violence are required to receive legal assistance and other assistance that can restore the child's physical and psychological condition. Furthermore, the child's identity must be kept confidential to prevent stigmatization in society.

Protection as an effort to fulfill the rights of children as victims of sexual violence cannot be carried out solely by law enforcement. Law enforcement has the primary duty to uphold the law by imposing fair sanctions on perpetrators and creating a deterrent effect so that they do not repeat the act. Meanwhile, to protect children as victims of sexual violence, law enforcement is required to coordinate with other state institutions capable of providing protection for children. These institutions can help children recover from the impacts of sexual violence, including the Witness and Victim Protection Agency (LPSK), the Indonesian Child Protection Commission (KPAI), and regional government organizations tasked with women's empowerment and child protection.

The presence of Law Number 35 of 2014 concerning Child Protection has provided the widest possible opportunity for a child to grow and develop optimally both physically and mentally so that an ideal generation will be created,⁵ but in reality the existing regulations do not have a positive impact on children in Indonesia because in reality the police still experience obstacles in providing legal protection to the victims, which makes violent crimes continue to befall children which results in the child's psychology being disturbed so that



the child experiences severe trauma which causes the child's psyche to be disturbed in the process of growth and development.

Legal protection is very necessary for victims, especially children, because the impact of criminal acts of violence on children is divided into physical, mental and economic impacts, while according to Bambang Waluyo, children who are victims of criminal acts are children who experience physical, psychological, sexual or social suffering as a result of violations of the law committed by a person, group of people/state/country institutions.

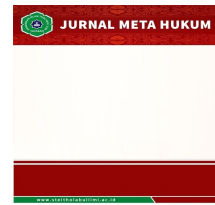
The impact that is felt most by children is the psychological and physical impact, the psychological impact is usually more manifested in trauma due to the violent crime incident that befell them, especially in violent crimes that include sexual intercourse. This trauma is not something that is easy to face and easy to understand, as we know the impact in the form of trauma can be said to be an abstract impact because it is not visible and it is not easy to ascertain whether the child victim of the violent crime is experiencing trauma or not because usually the trauma will appear when the victim is faced with a situation, place, object or person related to the incident.

Article 59A of Law Number 35 of 2014 concerning Child Protection states that children receive physical, psychological, and social treatment and rehabilitation, as well as psychosocial support from treatment to recovery. Physical rehabilitation involves training or restoring the child victim's physical condition to its original state, or at least training the child victim to accept the current situation. Psychological rehabilitation involves restoring the victim's mental state so that they can return to their original state or avoid excessive trauma. Social rehabilitation is related to the child victim's social life.

Physical, psychological and social rehabilitation in this article is aimed at children who are victims of crimes, including sexual crimes against children, as stated in Article 59 letter j of the Child Protection Law, which may be able to restore the child's condition.

Psychosocial assistance in this law is an effort to assist children who experience the impact of psychological trauma and child development disorders so that they can integrate with the surrounding community, because victims usually feel pressured to withdraw from society so they must undergo rehabilitation so that their development is not further disturbed.

Based on the above description, legal protection for children is clearly regulated in the Child Protection Law, and regarding trauma from violent crimes, it is also regulated in Article 59A. Legal regulations related to trauma for children as victims of violent crimes are only found in the Child Protection Law, and other regulations regulate the legal protection of children's rights only. The form of



child protection related to child trauma due to violent crimes is through psychological and psychosocial treatment and rehabilitation.

Sexual violence is a form of violence that violates and violates human dignity. These crimes have a tremendous impact on victims, including physical, psychological, economic, and social harm. The impact on victims is greatly exacerbated by societal reactions when women are victims. Victims are increasingly marginalized, and their ability to fulfill their social roles is limited. Victims experience long-term trauma that requires healing.

A small part of the increase in crime in society is caused by several external factors, most of it is caused by the inability and lack of desire of people in society to adapt to the norms that apply in society.

One of the causes of high crime rates in Indonesia is the high unemployment rate. Crime will continue to increase if the unemployment problem is not addressed immediately. In fact, there are many other causes of crime in Indonesia, such as widespread poverty, lack of educational facilities, natural disasters, urbanization and industrialization, and environmental conditions that facilitate crime.

Crime, as defined by the articles of the Criminal Code (KUHP), is any act that meets the provisions of the KUHP. The term "evil act" or "crime" differs from the definition of a criminal act. According to Moeljatno, these criminal acts, in terms of their form and nature, are unlawful acts. These acts also harm society in the sense that they contradict or hinder the implementation of social order that is considered good and just.

Crime prevention efforts are part of criminal policy. This criminal policy can be defined in a narrow, broader, or more expansive sense. In the narrow sense, criminal policy is described as the totality of principles and methods that underlie responses to criminal violations of the law. In the broadest sense, it encompasses the entire function of law enforcement officials, including the workings of the courts and the police. In the broadest sense, it encompasses the totality of policies implemented through legislation and official bodies, aimed at upholding central norms in society.

Crime prevention efforts through criminal law are essentially part of law enforcement efforts (particularly criminal law enforcement). Therefore, it is often said that criminal law policy is also part of law enforcement policy.

Given that crime prevention efforts through non-penal channels are primarily preventative in nature, the primary objective is to address the factors conducive to crime. These factors focus on social problems or conditions that can directly or indirectly lead to crime. Therefore, from a macro and global perspective on



criminal policy, non-penal efforts play a key and strategic role in addressing the causes and conditions that give rise to crime.

Preventive crime prevention efforts aren't solely the responsibility of the police. Indirect crime prevention, in the general sense, can also be achieved without resorting to criminal law (non-penal means) or criminal law (penal means). Examples of non-penal means include efforts by the Department of Social Affairs, with its youth organizations providing activities for teenagers to fill their free time with positive activities. This can help prevent negative outcomes.

Crime prevention and handling must be carried out with an integrated approach, with a balance between penal and non-penal means. From a criminal policy perspective, the most strategic policy is through non-penal means because it is more preventative and because penal policies have limitations/weaknesses. Criminal actgender-based sexual violence in the form of threats to distribute pornographic contentThere is an increasing trend, so efforts are needed to address it. Prevention efforts are the process of preventing actions from being carried out. In other words, taking steps before an action is realized and results in a violation of regulations. These efforts are expected to prevent or reduce the occurrence of sexual violence against women and children through cyberspace.

4. Conclusion

Legal arrangements children as victims of sexual violence arrangedArticle 76E of Law Number 35 of 2014 concerning Child Protection prohibits anyone from committing violence or threats of violence, coercing, deceiving, lying, or persuading a child to commit or allow indecent acts to be committed. Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence affirms the right to child protection and provides criminal sanctions for perpetrators. Special protection for child victims is realized through rehabilitation, legal assistance, identity protection, medical assistance, and confidentiality in the judicial process.

Law enforcementagainst criminal actssexual violence against children dshall be subject to sanctions based on Article 82 paragraph (1) in conjunction with Article 76E of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection with criminal sanctions in the form of imprisonment for a minimum of 5 (five) years and a maximum of 15 (fifteen) years, and a maximum fine of IDR 5,000,000,000 (five billion rupiah).

Legal protection for child victims of sexual violence includes legal protection from the state, relevant institutions, and families, as regulated by laws such as the Child Protection Law and the TPKS Law, as well as the Criminal Code. This protection includes legal aid, confidentiality of the victim's identity, health services,



rehabilitation, and assistance during the judicial process. The goal is to guarantee the rights and interests of victims and prevent the recurrence of crimes

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