
JURIDICAL STUDY OF LEGAL PROTECTION OF CHILD VICTIMS OF SEXUAL VIOLENCE

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ABSTRACT

Sexual violence against children is a serious problem in Indonesia that can have long-term detrimental impacts on victims. This article aims to analyze legal protection for child victims of sexual violence from a juridical perspective. Through a study of relevant literature and journals, this article describes the meaning of sexual violence against children, the impact and consequences for victims, existing legal protection, as well as the obstacles and challenges faced in implementing this legal protection.

In its analysis, this article reveals that sexual violence against children includes various acts involving coercion or sexual abuse of minors. The impact is physically, emotionally and psychologically devastating for the victim, which can continue into adulthood. Legal protection for child victims of sexual violence is based on national and international legal frameworks, which guarantee children's rights and provide legal instruments to uphold justice.

However, the implementation of legal protection for child victims of sexual violence is faced with complex obstacles and challenges. Some of the main challenges include low public awareness, lack of access to adequate support services, limited resources, low capacity of law enforcement agencies, and justice processes that require a more sensitive understanding of children. To overcome this challenge, this article recommends efforts to increase public awareness, strengthen legal systems and policies, increase the capacity of law enforcement agencies, and increase victims' access to support services.

With these steps, it is hoped that legal protection for child victims of sexual violence can be improved, victims receive justice, and prevention of sexual violence against children becomes a priority that is implemented comprehensively and sustainably. Increasing public awareness, strengthening the legal system, increasing the capacity of law enforcement agencies, and increasing victims' access to support services will play an important role in protecting children from sexual violence and creating a safe environment for their future.

Keywords: Violence, Children, Law, Victims

INTRODUCTION

Sexual violence against children is a form of crime that is very damaging and threatens the welfare and future of the younger generation. Criminal acts of sexual violence not only violate children's rights, but also result in serious psychological, emotional and physical impacts for victims. Legal protection for child victims of sexual violence is very important in order to uphold justice and prevent similar acts of violence from occurring in the future. In the legal context in Indonesia, there are various instruments and regulations that regulate the protection of child victims of sexual violence. Law Number 23 of 2002 concerning Child Protection and Law Number 35 of 2014 concerning the Protection of Child Victims of Sexual Violence provide a strong legal basis for protecting the rights of child victims. Apart from that, Indonesia is also a party that has ratified the Convention on the Rights of the Child which establishes the principles of protecting and fulfilling children's rights.

Even though there is a strong legal framework, there are still challenges in legal protection for child victims of sexual violence. Some of the obstacles faced include a lack of public awareness about sexual violence against children, a lack of human resources and adequate budgets, as well as obstacles in

handling cases effectively and fairly. Therefore, an in-depth study is needed regarding the juridical aspects of legal protection for child victims of sexual violence in order to identify existing problems and formulate steps that need to be taken to improve legal protection for child victims of sexual violence.

In this context, this article will conduct a juridical study regarding legal protection for child victims of criminal acts of sexual violence. This article will explore the definition and characteristics of criminal acts of sexual violence against children, look at the national and international legal framework that protects child victims, and analyze the process of handling cases of sexual violence against children. Apart from that, this article will also identify the obstacles and challenges faced in legal protection for child victims, as well as formulate recommendations and efforts to improve legal protection that need to be carried out.

In this article, it is hoped that through a juridical study of legal protection for child victims of criminal sexual violence, society will be more aware of the importance of protecting children's rights and the efforts that must be made to prevent and deal with this crime. Apart from that, it is also hoped that this article can become a basis for developing policies and steps to increase legal protection for child victims of criminal sexual violence in Indonesia.

RESEARCH METHODS

The research that will be applied is normative legal research, which focuses on legal research from an internal perspective with research objects oriented towards legal norms. Several approaches are used to examine the legal issues discussed, namely the legal approach, case approach, historical approach and conceptual approach. Supporting sources for this research are books, journal articles and court decisions relating to the subject matter discussed.

A historical approach to legal research is carried out by examining the background and development of legislation regarding the issues discussed (Marzuki, 2016: 134).

RESULTS AND DISCUSSION

Definition and Characteristics of Crimes of Sexual Violence Against Children

Sexual violence against children is a form of crime that involves sexual acts that are forced, harmful, and violate boundaries appropriate to the child's age and development. Sexual violence against children refers to sexual acts committed by adults or older people against children under the legal age. Acts of sexual violence involve coercion, rape, sexual harassment, sexual exploitation, or any form of sexual abuse that is detrimental and violates children's rights. Acts of sexual violence against children include various types of detrimental and unethical behavior, such as rape, molestation, abuse, sexual abuse, sexual exploitation and child pornography.

It is important to understand a clear understanding of sexual violence against children in order to identify acts that violate children's rights and take appropriate steps to protect them. In the Indonesian context, several definitions of sexual violence against children that are important to know are as follows:

Law Number 35 of 2014 concerning Child Protection

This law defines sexual violence against children as any sexual act committed by another person against a child by coercing, manipulating, exploiting dependency, or using physical violence or threats of violence.

Law Number 23 of 2002 concerning Child Protection

This law provides an understanding that sexual violence against children includes immoral acts committed by adults against children, either through threats, coercion, or by taking advantage of the child's ignorance and dependency.

National Commission for Child Protection (Komnas PA)

According to Komnas PA, sexual violence against children includes rape, molestation, sexual

exploitation and sexual harassment that occurs against children under the age of 18 years.

Sexual violence against children has a very serious impact on victims, especially children who are still in a vulnerable period of physical and psychological development. The impact can be short term or long term, both physical and psychological. Firstly, children who are victims of sexual violence can experience several physical disorders such as injuries to their genital organs and lower body, infections and even pregnancy at an illegal age. Second, psychological disorders often occur and last longer than physical impacts. Third, behavioral disorders. Children who are victims of sexual violence often experience changes in behavior, such as withdrawal, loss of interest in social activities, low academic performance and so on.

In the long term, the impact of sexual violence against children can cause cognitive and emotional disorders in adulthood. This condition can affect the development of interpersonal relationships, sexual behavior, and ongoing mental health. Therefore, efforts to prevent and handle sexual violence against children are very important.

Legal Protection for Child Victims of Criminal Sexual Violence

In several references that the author has read from various relevant sources related to legal protection for children who are victims of criminal acts of sexual violence. In reality, what is found in the laws or regulations in force in Indonesia is that there are things that regulate this matter, but in reality these things or criminal acts still frequently and frequently occur in environments not far from us.

Legal protection for child victims of criminal acts of sexual violence is an important component in the legal system which aims to protect and ensure the welfare of children. In Indonesia, there are a number of efforts and legal regulations that have been implemented to provide effective protection for child victims of sexual violence. Law Number 35 of 2014 concerning Child Protection is the main legal basis that regulates child protection, including in cases of sexual violence. This law provides a clear definition of criminal acts of sexual violence against children, procedures for investigation and prosecution, rehabilitation and recovery for victims, as well as strict legal sanctions for perpetrators of sexual violence against children.

Apart from that, Law Number 23 of 2002 concerning Child Protection also provides strong protection for child victims of sexual violence. This law affirms children's rights, including the right to be free from violence, exploitation and sexual harassment. This includes the right to assistance and protection, physical and psychological recovery, and the right to participate in the judicial process.

The Indonesian government has established child protection institutions such as the National Child Protection Commission (Komnas PA), the Child Protection Agency (BPA), and the Integrated Service Center for the Protection of Women and Children (P2TP2A). These institutions play an important role in providing assistance, supervision, rehabilitation and recovery for child victims of sexual violence.

In handling cases of sexual violence against children, the juvenile justice system also plays an important role. The juvenile justice system adopts a special approach aimed at providing protection, rehabilitation and recovery for child victims, while ensuring that perpetrators of sexual violence are sanctioned in accordance with applicable law. A restorative approach is used in the juvenile justice process to ensure the child's active participation and restoration of social relationships.

Legal protection for child victims of criminal acts of sexual violence is a joint responsibility of the government, child protection institutions, society and individuals. In order to increase the effectiveness of legal protection, there needs to be broader awareness and education regarding children's rights, preventive measures and rehabilitation efforts. Collaboration between various parties and the active role of the community is very important in ensuring that children receive optimal protection.

Not only in the form of statutory regulations, but the state has the responsibility to provide adequate resources for the implementation of the juvenile justice system. This includes education and training for legal officers, judges and investigators to increase their understanding of sexual violence against children and its handling in a sensitive manner to children's needs. The state must also ensure the availability of child protection institutions that have adequate capacity to provide assistance,

rehabilitation and recovery to child victims.

Process for Handling Cases of Sexual Violence Against Children

Then in the handling process there is also a very complex series in it which the author can describe or explain in detail as follows:

Reporting: The first step in handling cases of sexual violence against children is reporting. Reports can be made by the victim himself, the victim's family, educational staff, or other parties who know or suspect sexual violence against children. Reports can be made to the police or child protection agencies in the area.

Investigation: After the report is made, the authorities, such as the police, will conduct an investigation to collect evidence and information related to the sexual violence case. The investigation process involves interviews with victims, witnesses, as well as collecting physical, forensic or electronic evidence that can support the disclosure of the case.

Investigation: If the investigation produces sufficient evidence, the case of sexual violence against children will be followed up with a more in-depth investigation. Investigators will carry out additional examinations, conduct confrontations between the victim and the suspect, and ensure that all evidence is collected completely and legally.

Prosecution: Once the investigation is complete, the case will be handed over to the public prosecutor to decide whether the case is appropriate to proceed to trial or not. The prosecutor will assess the strength of the evidence, the validity of the evidence, and legal certainty in deciding whether to charge the suspect to court or not.

Trial: If prosecutors decide to prosecute, child sexual abuse cases will go to trial. The trial will be held to consider the facts presented by the prosecutor and the defense of the defendant. The court aims to provide justice to the victim, determine punishment for the perpetrator, and ensure that the interests of the victim's child are prioritized.

Execution of sentence: Once the trial is complete and the defendant is found guilty, the authorities will carry out the sentence determined by the court. This punishment can be in the form of imprisonment, fines, or rehabilitation measures in accordance with applicable law.

Apart from the processes mentioned previously, there are several important things that need to be considered in handling cases of sexual violence against children. First, the importance of protection and welfare of victims during the treatment process. Child victims of sexual violence need special protection and attention that is sensitive to their needs. Those involved in handling cases must ensure that victims feel safe, are involved in the process, and receive adequate support such as counseling, recovery and rehabilitation services.

Second, a multidisciplinary and collaborative approach is also important in handling this case. Child protection agencies, police, public prosecutors, courts, medical personnel and social workers must work together to ensure an effective and holistic treatment process. Collaboration between these institutions is needed in forensic examinations, providing medical and psychosocial assistance, and recovering victims.

Furthermore, a restorative approach can also be an option in handling cases of sexual violence against children. This approach places attention on healing and reconciliation between victims and perpetrators. In addition to appropriate punishment, restoration includes the recovery of the victim, resolution of the conflict, and return of the victim to their previous condition with the necessary support and healing. This approach provides space for victims to actively participate in the process and feel valued.

Obstacles and Challenges in Legal Protection of Children

In several incidents or cases that the author often finds in the media or related journals, there are often several obstacles which can hinder the investigation process or the applicable law, some of which are explained in detail as follows:

Obstacles in Identification and Reporting: One of the main obstacles in legal protection for child victims of sexual violence is the difficulty in identifying cases of sexual violence and reporting. Several factors that cause this are the fear and stigma experienced by victims, lack of public awareness regarding

the signs of sexual violence, and the low rate of reporting cases of sexual violence. This can hamper law enforcement efforts and prevent victims' access to proper legal processes.

Evidence and Confidentiality Issues: Obtaining sufficient and reliable evidence in cases of sexual violence against children can be a challenge. In some cases, physical evidence may be difficult to obtain because the sexual assault often occurs much later. In addition, there are difficulties in collecting electronic or digital evidence which is often used in acts of sexual violence. In addition, protecting the confidentiality of victims is also an important concern, because privacy violations can have a negative impact on the welfare of victims.

Limited Resources and Capacity: Limited resources and capacity are another obstacle in legal protection for child victims of sexual violence. Lack of budget, facilities and experts in law enforcement agencies, such as the police, prosecutors and courts, can affect their ability to handle and resolve cases of sexual violence against children. In addition, a lack of adequate training and understanding of sexual violence issues can also affect case handling.

Challenges in the Judicial Process: The judicial process in cases of sexual violence against children also faces its own challenges. Some challenges include case continuity, long time periods, intimidation of victims, and a high burden of proof. A complex justice system and lack of psychosocial support for victims can also make the process more difficult for child victims.

Therefore, in handling or reporting cases of sexual violence against children, the author realizes that there are many challenges in this process

Recommendations and Efforts to Improve Legal Protection of Children

Even though there are already several laws or regulations that regulate protection against sexual violence, it turns out that this cannot be said to be sufficient because in fact sexual violence still often occurs in the community, therefore the author realizes that additional efforts are needed to deal with this matter. , some of these things include:

Increasing Public Awareness and Education: Increasing public awareness and education is very important in protecting children from sexual violence. Education involving families, schools and the wider community needs to be carried out to increase understanding of children's rights, signs of sexual violence and the importance of reporting these cases. Prevention programs and social campaigns that aim to change negative attitudes and behavior towards sexual violence need to be improved and supported by the government and related institutions.

Strengthening the Legal System and Policies: It is necessary to strengthen the legal system and policies that regulate the protection of child victims of sexual violence. This includes revising and improving related laws, including the criminal law, the law on children, and the law on sexual violence. In addition, legal protection for child victims of sexual violence must be a priority in public policy planning, by allocating adequate resources to protect and support victims.

Increasing the Capacity of Law Enforcement Agencies: It is necessary to increase the capacity of law enforcement agencies, such as the police, prosecutors and courts, in handling cases of sexual violence against children. This involves regular training on child protection, handling cases of sexual violence, psychological and medical examinations, and child-sensitive law enforcement. Apart from that, there also needs to be close collaboration between law enforcement agencies and social and health institutions to provide comprehensive assistance and support to victims.

In this way, the role of all elements of society is needed to overcome the problem or crime of sexual violence against children or women

CONCLUSION AND SUGGESTION

Conclusion

In conclusion, legal protection for child victims of sexual violence is important and requires serious attention from various parties, including the government, law enforcement agencies, the community and

supporting institutions. Efforts to increase awareness, strengthen the legal system, increase the capacity of law enforcement agencies, and increase victims' access to support services are the keys to increasing the effectiveness of legal protection for child victims of sexual violence. Only with joint cooperation and commitment, can children who are victims of sexual violence receive adequate protection, equal access to justice, and holistic and sustainable recovery.

Suggestion

To increase legal protection for child victims of sexual violence, several concrete steps can be taken. First, there needs to be strong synergy and collaboration between the government, law enforcement agencies, social institutions and the community in protecting child victims of sexual violence. This involves close coordination between law enforcement agencies and educational, health and social institutions to provide integrated assistance and support for victims. And more proactive and targeted prevention efforts are needed. Social campaigns involving all elements of society need to be stepped up to raise awareness about sexual violence against children, the signs to look out for, and the importance of reporting these cases. Education in schools must also include an understanding of children's rights, gender equality, and how to protect themselves from the threat of sexual violence.

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