
JURIDICAL REVIEW OF PROTECTION FOR VICTIMS OF MINOR SEXUAL VIOLENCE

Indah Gita Cahyani¹, Rizka²¹ Fakultas Hukum, Universitas Muhammadiyah Surakarta (C100190251@student.ums.ac.id)² Fakultas Hukum, Universitas Muhammadiyah Surakarta (rizka@ums.ac.id)

ABSTRACT

The aim of this research is to identify legal protection for child victims of sexual crimes. An empirical research approach was applied in this research. According to the findings of this study, legal protection for child victims of sexual relations crimes is provided with the aim of protecting victims, especially victims of sexual relations, to obtain their rights as victims through providing health services to children in an effort to restore the situation of children as victims of sexual relations. Children also receive legal protection in the form of legal aid, rehabilitation and prevention. There is a need for fair criminal legal solutions for victims of sexual relations, which add to or take into account the rights of victims of sexual relations, and parents must participate in efforts to provide protection for children by fulfilling children's rights, protecting children's best interests, and increasing supervision. towards children.

Keywords: Legal protection, sexual victims, children.

INTRODUCTION

Child protection refers to all efforts made to establish conditions in which every child can exercise their rights and duties for the child's natural, physical, mental and social development¹. Children are a gift from Allah SWT who must be nurtured, cared for and educated in order to produce a generation that can make the nation proud. A child exists as a trust from Allah SWT, and each parent will be responsible in the future for the type and behavior of the child while in the world. Literally, a child is human resource assets that will one day pass on to families, countries and generations of countries.²

Sexual violence is violence that occurs as a consequence of the coercive aspect of sexual desire or results in actions by the perpetrator that are unacceptable to and insulting to the victim. Non-sexual violence, on the other hand, is an act by the perpetrator that is equally unwanted and humiliating to the victim but is not accompanied by sexual desire. Sexual violence includes lustful staring, naughty grinning, lewd talking to, asking for sex, touching body parts, being forced to hold the perpetrator's body parts, being taken away from kissing/hugging, showing genitals, showing pornographic photos/objects, being assaulted by rape³.

Implementing child protection in the form of state accountability is the state's obligation to promote children's rights, which are not only legal responsibilities, constitutional responsibilities and human rights are recognized globally. Child protection is very important because violations of child protection are basically human rights violations. In addition, violations of children's rights constitute a serious obstacle to children's survival and development because children exposed to violence, exploitation, neglect, and other forms of abuse face dangers such as short lifespans, poor mental and physical health, and other problems (including dropping out school).

On the other hand, effective preventive measures will increase children's opportunities to grow

¹ Saraswati, Rika. *Hukum perlindungan anak di Indonesia*. No. 2. PT. Citra Aditya Bakti, 2015

² Burhan Habibillah, 'Status Nasab Dan Nafkah Anak Yang Dili'an Menurut Hukum Islam Dan Hukum Perdata Indonesia (Studi Komparatif)', *Journal of Chemical Information and Modeling*, 53.9 (2017), 1689–99 <http://repository.radenintan.ac.id/1355/3/BAB_II.pdf>.

³ David Kurnianto and Wahyu Hidayat, 'Perlindungan Hukum Terhadap Anak Di Bawah Umur Korban Kekerasan Seksual Berdasarkan Undang-Undang Nomor 35 Tahun 2014', 3.23 (2014).

physically, cognitively, self-confidently and self-esteem. There is a lot of crime in our modern times, and many victims are young people. Physical violence, psychological violence, sexual violence and social violence are types of violence that commonly occur in society⁴. In 2021, according to the Ministry of Women's Empowerment and Child Protection (PPPA) wrote that there were 14,517 incidents of child violence.⁵ Crime is a fact of life that must be handled carefully. This is because crime causes major disruption in people's lives. As a result, many efforts continue to be made to combat this crime, despite the fact that it is absolutely impossible to eradicate crime completely because crime will always develop along with the progress of civilization⁶. To fulfill the requirements of existence, some people often commit crimes and violations, while those who endanger some members of society commit illegal acts⁷.

Criminal acts are actions that are prohibited by law and punished by punishment, provided that the prohibition is directed at the action (i.e. conditions and events produced by a person's behavior), while criminal threats are directed at the person who caused the violence⁸. We can easily find crimes against children through television, social media, newspapers, and so on; quite heartbreaking for a nation that upholds morality and the portrait of the nation⁹.

As a result, crime is classified as a major problem in people's lives¹⁰. Given that non-penal crime prevention measures are more than strategies for preventing the occurrence of crime, their main aim is to address these favorable variables, including socio-economic situations that may, directly or indirectly, contribute to or maintain crime. The application and enforcement of law is part of the legal system that must be handled constantly to realize a legal position in a legal state that benefits the interests of society, country, and state. As a result, society and everyone, including the government, must pay attention to this by enacting laws based on natural rights. The government brings order and calm to people's lives while maximizing the possibility of regional growth¹¹.

Sexual violence against minors has become a threat in Indonesia, and the widespread sexual violence in this country makes everyone worried, because sexual violence is a kind of torture against children in the name of sexual stimulation. The abuse that occurs is asking or forcing children to perform sexual acts/activities, exposing genitals that are inappropriately displayed to children¹², reporting pornographic content to children, having contact with minors, and having physical contact with genitals. children without making physical contact (unless in non-sexual circumstances), looking at the child's genitals (save for certain activities, such as a child's medical examination), Indirectly, criminals must be prosecuted legally.

Many illegal crimes have been prosecuted in court, but the perpetrators have not been sentenced to the maximum sentences permitted by law¹³. Legal protection is very important because it is an effort to integrate various demands within the association so that there is no conflict between desires and all

⁴ Ekaningtyas, Ni Luh Drajadi. (2020). Psychology of Communication and Sexual Violence in Early Childhood. *Pratama Widya: Journal of Early Childhood Education*. 5(2), 148.

⁵ <https://www.cnnindonesia.com/nasional/20220120030219-20-748827/14517-case-kerasananak-terjadi-sepanjang-2021>.

⁶ Prodjodikoro, Wirjono. *Certain Crimes in Indonesia*. (Jakarta : PT Reflika Aditama, 2002), 15

⁷ Ismail, Dian Ekawaty., & Sarson, Mohamad Taufiq Zulfikar. (2021). Analisis Kriminologi Terhadap Perempuan Sebagai Pelaku Tindak Pidana Kekerasan Dalam Rumah Tangga. *Jurnal Tinjauan Hukum*. 3(3), 58

⁸ Lakoro, Aniza., Badu, Lisnawaty W., & Achir, Nuvazria. (2020). Lemahnya Polisi dalam Penanganan Tindak Pidana Perjudian Togel Online". *Jurnal Legalitas*. 13(1), 36

⁹ Nashriana. *Perlindungan Hukum Pidana Terhadap Anak di Indonesia*. (Jakarta: PT RajaGrafindo Persada 2012), 3

¹⁰ AS Alam dan Amir Ilyas. *Kriminologi Suatu Pengantar*. (Jakarta: Grup Prenadamedia, 2018), 29

¹¹ Achir, Nuvazria, and Sri Nanang Meiske Kamba. (2021). Fungsi Perda Pendidikan dan Pelayanan Sosial di Daerah Berbasis Syariah. *Tinjauan Hukum Jambura*. 3 Edisi Khusus, 16

¹² M, Arief Mansur, D., & Gultom, E. *Urgensi Perlindungan Korban Tindak Pidana*. (Jakarta : PT Raja Grafindo Persada, 2007), 137

¹³ Wantu, Pagar M. *Hukum Acara Pidana*. (Yogyakarta: Reviva Cendekia, 2011), 13

rights guaranteed by law can be enjoyed¹⁴. Violence, harassment and sexual exploitation not only occur against adult women, but also against women who are categorized as minors; These sexual crimes also do not only occur in companies, offices or other areas which create opportunities for exploitation

sexual. Various kinds of people can communicate with one another, but this can also happen within the family environment¹⁵.

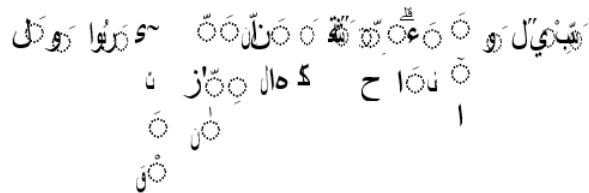
Sexual relations with teenagers will undoubtedly affect the child's psychological development and other developments, especially for the victim. Psychological influences on children can result in long-term trauma, which can cause undesirable attitudes such as inferiority, excessive fear, disturbed brain development, and mental disorders in the child. For children who are victims of sexual relations, this experience may be a traumatic memory. Children who are victims of sexual relations experience various losses, both real and immaterial, such as emotional and psychological shocks, which can have a long-term impact on the child's life.

In Indonesia, reproductive health issues are regulated by Health Law Number 36 of 2009. Article 71 paragraph (1) states the concept of reproductive health: Reproductive health is defined as a comprehensive physical, mental and social health condition, not just the absence of related diseases or disorders. with the reproductive system, functions and processes in men and women, and the reproductive rights of every person are described in Article 72. Furthermore, Article 133 paragraphs (1) and (2) regulate the protection of children for their health: (1) Every baby and child has the right to be protected and prevent all types of discrimination and acts of violence that could damage their health. (2) The government, regional government and community are obliged to guarantee the protection of babies and children as intended in paragraph (1) and provide health services according to needs¹⁶.

The revised Law also underlines the importance of increasing criminal sanctions and fines for perpetrators of crimes against minors in order to have a preventive impact and anticipate perpetrators or victims so that similar crimes do not occur.

It happens again. 35 of 2014 article 1 paragraph 2 explains that "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 human dignity and dignity and receive protection from violence and discrimination".

Islamic law is basically the rules of Allah SWT to regulate human life. These rules can be implemented in real life if Muslims consciously do so, namely carrying out every command and avoiding the prohibitions set by Allah SWT in the Al-Qur'an and hadith, including the prohibition against committing rape as explained in the Al-Qur'an. as follows :



“And do not approach adultery; (adultery) is truly a heinous act, and a bad way.” (QS. Al-Isra’ : 32)

Based on several of the issues above, it seems that the government has made great efforts to create laws that regulate child protection, ranging from laws to PERPPU which regulate harsh

¹⁴ Alhasni, Mohamad Rizky., Badu, Lisnawaty W., & Nggilu, Novendri M. (2019). Menilai Peran Polisi dalam Mencegah Tindak Pidana Cabul Terhadap Anak di Bawah Umur. *Jurnal Legalitas*. 12(2), 112
¹⁵ Wahid, Abdul & Irfan, Muhammad. *Perlindungan Korban Kekerasan Seksual Advokasi Hak Asasi Perempuan*. (Bandung: PT Rafika Aditama, 2011), 7
¹⁶ Sali Susiana, ‘Aborsi Dan Hak Kesehatan Reproduksi Perempuan’, *Info Singkat Kesejahteraan Sosial*, VIII.06 (2016), 9–12.

punishments for child rapists. Meanwhile, in Islam, the punishment for rape is considered serious, because the perpetrator faces the same consequences as those who commit adultery. Based on the conditions above, then . So this research will focus on the theme of Juridical Review of Protection for Victims of Underage Sexual Violence Cases.

RESEARCH METHODS

The data collection method used in this research is by using library research. According to Mestika Zed, library or literature study can be interpreted as a series of activities relating to methods of collecting library data, reading and taking notes as well as processing research materials.¹⁷ Therefore, the author carried out data collection through library studies by means of collecting data, reviewing books, literature, notes, articles, and various reports related to the problem to be solved. After conducting a literature study, it is then continued with factual qualifications and legal qualifications. This legal qualification is carried out by citing literature relating to the protection of minor victims of sexual violence in accordance with applicable law.

RESULT AND DISCUSSION

1. Legal Protection for Children as Victims of Sexual Crimes

The problem of children is not a trivial matter whose solution is as simple as turning the palm of the hand, but children are the future generation of the country and the country.¹⁸ Legal protection is maintaining dignity, as well as recognizing human rights possessed by legal subjects based on the general provisions of arbitration or a set of rules or regulations which will be able to protect other things," wrote Philipus M. Hadjon. Consequently, the degree of legal conformity is determined by the legislative process¹⁹. The law has established guidelines for the rights of victims and witnesses, including Article 5 of Law Number 31 of 2014 concerning Protection of Witnesses and Victims and Article 69A of Law Number 35 of 2014 concerning Child Protection. Child protection is also regulated in Human Rights Law Number 39 of 1999, which states in article 58 paragraph 1 that every child in the care of parents, guardians or other parties has the right to receive legal protection from all forms of physical and mental violence, negligence, ill-treatment, mistreatment. bad, and sexual harassment²⁰.

The roles and responsibilities of the State and Government in child protection activities are outlined in Law Number 35 of 2014, which revises Law Number 23 of 2002 concerning Child Protection, namely:²¹

- a. Respect and guarantee the human rights of every child regardless of ethnicity, religion, race, class, gender, ethnicity, culture and language, legal status of the child, birth order of the child, and physical and/or mental condition (Article 21);
- b. Providing support for facilities and infrastructure in implementing child protection (Article 22);
- c. Ensuring the protection, maintenance and welfare of children by considering the rights and obligations of children (Article 23);

¹⁷ Jamaludin Jamaludin, 'ANALISA PERHITUNGAN DAN PEMILIHAN LOAD CELL PADA RANCANG BANGUN ALAT UJI TARIK KAPASITAS 3 TON', *Motor Bakar : Jurnal Teknik Mesin*, 2.2 (2018), 22–25 <<https://doi.org/10.31000/mbjtm.v2i2.2719>>.

¹⁸ Ahir, Nuvazria. (2022). Pemenuhan Hak Konstitusional Anak Terlantar Korban Eksploitasi Ekonomi. *Jurnal Tinjauan Hukum Jambura*. 4(1), 161.

¹⁹ Santiago, Faisal. (2017). Penegakan Hukum Tindak Pidana Korupsi oleh Penegak Hukum Demi Terciptanya Ketertiban Hukum. *Jurnal Hukum Pagaruyung*. 1 (1), 23

²⁰ Pasal 5 Ayat 1 Undang-Undang Nomor 39 Tahun 1999 tentang HAM

²¹ Undang-Undang Nomor 35 Tahun 2014 Perubahan Atas Undang-Undang Nomor 23 Tahun 2002 Tentang Perlindungan Anak

d. Guaranteeing children to exercise their right to express opinions in accordance with the child's age and level of intelligence (Article 24)

The explanation above can help you understand why the state has a responsibility to protect everyone who is a victim of crime. Because every human being has the right to survive, the state is obliged to provide legal protection. Quoting Lisnawaty Badu who stated that the right to life must be preserved by the state, especially the rule of law²². As a result, every action, thought, and decision made by the government and its citizens must be legal. In connection with Novendri M. Ngilu's opinion that Indonesia is the highest agreement of the forming countries, even though the 1945 Constitution was changed to the 1949 Constitution, recognition of the territory under the auspices of the Indonesian State is still recognized²³.

Several steps outlined above are necessary for victims of violence to obtain full legal protection. Apart from child protection and human rights laws which can protect the interests of victims, there are also regulations specifically to protect witnesses and victims, namely witness protection institutions and victims. Basically, there will be rules and criteria that must be followed initially at all levels before you can be protected against any kind of crime. Legal protection is offered primarily to ensure that victims receive the necessary justice, and of course, legal protection is a type of protection provided by the state to its citizens involved in the legal process²⁴.

2. Analysis of Legal Protection for Minor Victims of Sexual Violence Cases

Legal protection is the protection of human rights that have been violated by other people, as well as the protection of the community so that they can enjoy all the rights guaranteed by law. In other words, legal protection is a variety of legal actions that must be provided by law enforcement officials to provide a sense of security, both physically and mentally, from harassment and various threats from any party. Children in conflict with the law include those in conflict with the law and those who are victims of illegal behavior. They are the duty of government and society. Currently, child protection does not fully reflect the use of restorative justice strategies²⁵.

Children from minority groups and those who are isolated require special care. This is done by providing infrastructure and facilities so that children with special needs can appreciate their culture and language. Additionally, it prohibits any conduct designed to prevent the enjoyment of these rights of children. Special protection for children who are exploited economically and/or sexually is the role and responsibility of the government and society. Protection of exploited children is carried out by:

1. disseminate and/or socialize the provisions of laws and regulations relating to the protection of children from economic and/or sexual exploitation;
2. monitoring, reporting and imposing sanctions; And
3. involving various government agencies, companies, trade unions, non-governmental organizations, and individuals.

Social media also plays a role in the spread of criminal crimes. Because young people who are involved in crime start by using social media. Children can communicate with anyone using social media platforms such as Facebook, WhatsApp, and Instagram. Minors are eager to connect with strangers on social media. After getting acquainted on social media, the perpetrator invites the victim to meet, which often leads to crime. Sexual offenders believe that minors can be used as channels for their sexual urges.

This is inspired by the belief that young people are unable to understand that the behavior is

²² Badu, Lisnawaty. (2012). Eutanasia dan HAM. *Jurnal Legalitas*. 5(1), 1

²³ Nggilu, Novendri M.. (2020). Uji Yuridis Pengaturan Sanksi Pidana dalam Peraturan Daerah Provinsi Gorontalo. *Jurnal Hukum Lambung Mangkurat*. 5(2), 110

²⁴ Tijow, Luciana. Perlindungan HAM atas Hak Hidup Anak dalam kandungan di luar perkawinan yang sah. *Jurnal Legalitas*. 3 (2), 80

²⁵ Aprilianda, Nurini. "Perlindungan anak korban kekerasan seksual melalui pendekatan keadilan restoratif." *Arena hukum* 10, no. 2 (2017): 309-332.

against the law or that children do not have the personality to oppose the perpetrator's wishes. Basically, under Indonesian law, especially the Criminal Code, law enforcement's ability to find and investigate violators is limited by their attitude of not detaining, examining and punishing someone without clear evidence and procedures²⁶. As a result, any competent person in authority conducts a prompt and impartial inquiry into signs of significant abuse or discrimination occurring in their jurisdiction, including sexual relations²⁷.

Even though Law Number 39 of 1999 concerning Human Rights states about children's rights, the implementation of the obligations and responsibilities of parents, families, communities, government and the state to protect children, the urgency of child protection laws is still needed as a legal basis for implementing these obligations and responsibilities. Thus, the formation of this law is based on the understanding that child protection in all its dimensions is part of national development activities, especially in the advancement of the nation's existence and country. Parents, families and communities are responsible for protecting and preserving these human rights in accordance with the requirements stipulated by law.

Likewise, in terms of implementing child protection, the state and government are responsible for providing facilities and accessibility for children, especially in terms of ensuring their optimal and planned growth and development. This law underlines that the obligations of parents, families, society, government and the state are a constant succession of efforts to protect children's rights. The sequence of activities should be constant and directed to ensure the child's physical, mental, spiritual and social development. This activity is intended to provide the best life for children who should be the future heirs of the nation, strong nationalism filled with the noble ideals and values of Pancasila, as well as a strong desire to maintain national unity.

Efforts to protect children need to be implemented as early as possible, from the time the fetus is in the womb until the child is 18 (eighteen) years old. Starting from the concept of complete, complete and comprehensive child protection, this Law regulates the obligation to protect children based on principles²⁸:

- a. Without discrimination;
- b. best interests of the child;
- c. The right to life, survival and development; And
- d. Respect children's opinions

The community must play a role in providing guidance, development and protection for children, whether through child protection institutions, religious institutions, non-governmental organizations, community organizations, the business world, mass media or educational institutions. The types of legal protection, monitoring and advocacy support offered are regulated by the child protection law²⁹.

Specifically, it is stated in Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection that it is prohibited to commit criminal acts against minors. "Whoever deliberately takes action:

- a. Discrimination against children, which results in children experiencing losses, both material and moral, thus hampering their social functioning; or
- b. Neglecting a child which causes the child to experience pain or suffering, whether physical, mental or social, is punishable by imprisonment for a maximum of 15 (fifteen) years and/or a fine of a

²⁶ Ismail, Dian Ekawaty., Tamu, Yowan. (2009). Upaya Perlindungan Hak Tersangka/Terdakwa Melalui Mekanisme Praperadilan di Kota Gorontalo. *Jurnal Mimbar Hukum*. 21(1), 83

²⁷ Towadi, M., Kasim, NM, Rumawi, R., & Tahir, SA (2021). Indikasi Kebijakan China terhadap Uighur dan Implikasinya dalam Aspek Hukum Internasional. *Tinjauan Hukum Jambura*. 3(1), 66

²⁸ Gultom Maidin, (2008), *Perlindungan Hukum Terhadap Anak*, Refika Aditama, Jakarta, p. 33

²⁹ Lubis, Elvi Zahara. "Upaya Perlindungan Hukum Terhadap Anak Korban Kekerasan Seksual." *JUPIIS: JURNAL PENDIDIKAN ILMU-ILMU SOSIAL*, no. 2: 141-150

maximum of Rp. 5 billion.

3. Analysis of Protection for Reproductive Health for Victims of Underage Sexual Violence Cases

The topic of Reproductive Health is quite broad because it includes various elements other than disease or disability. Women must understand this first before discussing their reproductive health rights further. Right is a person's power over himself to do or not do something, to get or not get something. Sudikno Merto Kusumo defines rights as legal interests, while interests are individual or collective requests that are anticipated to be fulfilled. In carrying out their duties, interests fundamentally contain powers that are guaranteed and protected by law³⁰. In agreement with Sudikno, Alexandra stated that legal protection is one aspect that must be present in rights so that interests can be protected.

According to Article 1 paragraph (1) of Law Number 36 of 2009 concerning Health, health is a state of health, both physically, intellectually, spiritually and socially, which enables everyone to live a productive social and economic life. Reproductive health is defined as total well-being connected to the reproductive system, functions and processes at the physical, mental, and social. Health is not only free from disease or disability, but also intellectually and socially healthy. According to the description above, reproductive health includes three aspects: physical, mental and social health related to the reproductive system, function and process. In this scenario, women have the right to be healthy, both physically and emotionally, as well as socially.

Based on the definition above, it means the importance of reproductive health rights for women. The power of women to do what they cannot or cannot do to achieve a healthy state, both physically, mentally, spiritually and socially with their reproductive system, functions and processes. There is no coercion in this definition of rights because someone can exercise their rights or ignore their rights as long as it does not interfere with other people's rights, but when a person's rights are exercised they must receive legal protection.

The following are symptoms or markers of each of these components in individual health:

1. Physical health is proven when a person does not feel sick and is not clinically ill. All body organs are normal and function regularly, or there is no disturbance in physiological function.
2. Mental health (soul) consists of three components: cognitive, emotional and spiritual. In terms of reproductive health rights, women in these circumstances have the right to make decisions about their bodies, such as which contraceptive technique to use. In terms of reproductive health, a woman's emotions must also be considered. For example, a woman's willingness to become pregnant should not be encouraged; others simply provide direction and encouragement.
3. Social health is achieved when a person can relate to other individuals or groups without discrimination based on race, ethnicity, religion or belief, social, economic, political status, etc., as well as mutual respect and tolerance.

Human rights are an offshoot of the idea of reproductive health rights. Prof. Agnes Widanti expressed the same idea, stating that rights.

Reproduction is a very important right for women. The idea of human rights guarantees a woman's right to mental and physical sovereignty, freedom from discrimination, and good health. The existence of law in society is one of the things that must be preserved in the life of the country.

The right to reproductive health is also guaranteed in Article 49(2) and (3) of the Human Rights Law no. 39 of 1999 which states as follows: "(2) Women have the right to receive special protection at work or against problems that threaten the safety and/or health of women related to reproductive activities." (3) Special rights arising from women's reproductive activities are guaranteed and protected by law." The right to health services and fulfillment of social security for physical, mental, spiritual and social needs is guaranteed by Article 8 of the Child Protection Law no. 23 of 2002 Article 4 of the Health Law No. 36 of 2009 states that "everyone has the right to health" and Article 5 states

³⁰ Sudikno Merto Kusumo, *Mengenal Hukum Suatu Pengantar*, Yogyakarta: Liberti, 2005.

"Everyone has the same right to access health service resources". gender because generally there should be no differences between men and women. There are no regulations in Indonesia, except for Health Law No. 36 of 2009, Human Rights Law No. 39 of 1999, Law No. 23 of 2002 concerning Child Protection and Law 23 of 2002. 2004 concerning the Eradication of Domestic Violence, generally regulates reproductive health issues. The right to reproductive health services is recognized in the 1979 Convention on the Elimination of All Forms of Discrimination against Women, which Indonesia ratified in 1984 by signing the Convention.

Because rights and obligations are interrelated, addressing women's reproductive health rights will be more comprehensive if we also consider the obligations to fulfill them. According to Health Law Number 36 of 2009, individuals who have the responsibility to protect and maintain women's reproductive health are as follows:

- a. The woman herself;
- b. his family; And
- c. community, according to Article 9 of Law Number 36 of 2009
- d. According to Article 14, "the government is responsible for planning, coordinating, organizing, encouraging, and monitoring the implementation of equitable and affordable public health activities." Of course, this article's health initiatives include reproductive health measures for women.

The problem of immoral criminal acts against children arises because criminal law enforcement has been directed at the value of justice, especially the protection of victims, not the application of punishment to perpetrators³¹. Since children are a weak and vulnerable population, affirmative steps to safeguard them are necessary³². The protection of children as victims of criminal acts has not been fully realized because victims' rights to rehabilitation, compensation and restitution are still difficult to realize in terms of the handling process³³. The Criminal Procedure Code places less emphasis on crime victims, especially rape victims, as well as vulnerable people who also need legal protection. Like the case of sexual abuse of his biological children and grandchildren which attracted widespread attention, Aris Tri Muntiyani explained, "Perpetrators of sexual abuse can be sued for compensation, both material and spiritual, in accordance with the Criminal Code, but because the parents and grandfather who were the perpetrators are also detained according to the decision, demands for compensation losses are temporarily suspended." Despite the fact that Law Number 39 of 1999 concerning Human Rights states about children's rights, the implementation of the obligations and responsibilities of parents, families, communities, government and the state to protect children, the urgency of child protection laws is still needed as a legal basis for implementing obligations and responsibilities. answer that. Everyone has the right to have their human rights protected and respected by health practitioners.

In terms of service delivery, victims of domestic violence, rape, and other types of sexual abuse have the right to high-quality health care, including reproductive health care, to address the physical and psychological effects of violence, and to prevent and manage pregnancy. Health care practitioners must be careful not to "win back" women by forcing them to undergo unnecessary tests or removing their agency and decision-making power. All patients must be treated with dignity, considering the knowledge they need to make informed decisions, and their privacy and the confidentiality of their medical data must be safeguarded. The government has a legal commitment to take all reasonable steps to prevent violence against women and to ensure that health services are adequate. adequate

³¹ Wahyuningsih, Sri Endah. "Perlindungan Hukum Terhadap Anak Sebagai korban Tindak Pidana kesusilaan dalam Hukum Pidana Positif Saat Ini." *Jurnal Pembaharuan Hukum* 3, no. 2 (2016): 172- 180

³² Handayani, Trini. "Perlindungan Dan Penegakan Hukum Terhadap Kasus Kekerasan Seksual Pada Anak." *Jurnal Hukum Mimbar Justitia* 2, no. 2 (2018): 826-839.

³³ Dwiatmodjo, Haryanto. "Pelaksanaan Perlindungan Hukum terhadap Anak yang Menjadi Korban Tindak Pidana di Wilayah Hukum Pengadilan Negeri Banyumas." *Jurnal Dinamika Hukum* 11, no. 2 (2011): 201-213.

tools that can meet the needs of victims can be accessed. The Convention on the Elimination of All Forms of Discrimination Against Women and other human rights treaties can be used to carry out state obligations to protect and provide services to women.

Child protection is all efforts made to create conditions so that every child can carry out their obligations and rights for the child's development and growth in mental, physical and social terms. In accordance

article 1 number 2 and Law of the Republic of Indonesia number 35 of 2014 concerning amendments to Law of the Republic of Indonesia number 23 of 2002 concerning child protection, it is stated that all activities are carried out to protect and develop children from violence and abuse, protect the rights that children must receive -children where the government, regional government and other state institutions have the obligation and responsibility to provide special protection for children³⁴.

A child may become more vulnerable to losing their basic rights due to various causes. Such characteristics relate to various possible problems that may occur in children in their social environment, even before the child is born. Economic considerations are mentioned many times in the Qur'an as a factor that causes a child to lose their basic rights.

However, Islam recognizes children who are not in the care of their biological families as a more vulnerable social category than their peers who are in the care of their biological families. Moreover, Islam condemns anyone who abuses this vulnerable category of young people. According to al-Ma'un verses one and two, Allah asked the question subtly to show how Islam should deal with them. He stated:

أَلَيْسَ لِيَوْمِ يُعَالَىٰ ذُو الْكَلْبِ

“Do you pay attention to those who believe? That is what drives away orphans³⁵.”

CONCLUSION AND SUGGESTION

Conclusion

Legal protection for children who have been sexually abused includes humane treatment of children in accordance with the child's dignity and rights, extraordinary, humanist and professional service with a loving and empathetic attitude, legal protection is provided to child victims of sexual crimes with the aim of protecting the victim, especially victims of sexual relations, so that they obtain their rights as victims.

To restore the condition of children as victims of sexual relations, children also receive legal protection in the form of legal aid, rehabilitation and prevention. There is a need for fair criminal legal solutions for victims of sexual relations that add to or take into account the rights of victims, and parents must participate in efforts to provide protection for children by fulfilling children's rights, protecting children's best interests, and increasing supervision of children. children.

In Indonesia, sexual assault crimes are now in focus. This is due to the high number of incidents of sexual assault, especially among children. Children are a great gift from Allah SWT and of course have different personalities where children can interact or behave according to their wishes, which include feelings, ideas and actions. In fact, the environment is the main medium in which children develop. As a result, sexual abuse of children must continue and be prioritized. The reason is that sexual violence against minors not only has physical consequences, but also psychological and emotional consequences which may be related to the child's psyche after experiencing sexual violence.

³⁴ Kejahatan, Perbuatan, dan Kekerasan, “Jurnal Pendidikan Ilmu Sosial Disparitas Tindak Pidana Kekerasan Terhadap Perempuan”

³⁵ Q. S. al-Ma'un: 2.

Each event that can occur of course depends on the circumstances that can cause or influence the occurrence of sexual assault. There are several variables that contribute to the prevalence of sexual assault against children under 13 years of age. Starting from low levels of education, lack of knowledge about sexuality, technology and gadgets, lack of religious knowledge, social factors, economic factors, and, most importantly, environmental factors,

all of which can have a significant impact on the occurrence of criminal acts of sexual violence against children under the age of five. To protect children's human rights in crimes of sexual abuse, an effective and enforceable legal role is needed. In addition, legal protection and legal certainty for child protection efforts are provided.

Suggestion

It is the responsibility of fathers and mothers as parents to always educate their sons and daughters by providing strong religion, good education, teaching each child what is good or not and not forgetting to monitor children's interactions so that they do not fall into promiscuity. It is also hoped that the government will immediately change the child protection law and clarify the categories of children who are referred to as minors.

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