

# LEGAL PROTECTION FOR CHILDREN AS VICTIMS OF SEXUAL VIOLENCE IN LAMPUNG PROVINCE

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ARTICLE INFO	ABSTRACT
<b>Keywords:</b>  Legal Protection, Crime of Child Sexual Violence, Lampung Province	<b>In English</b>  This research journal is entitled: "Legal Protection for Children as Victims of Sexual Violence in Lampung Province." The formulation of the problem raised in this research journal is how the form of legal protection for child victims of sexual violence in Lampung province and the factors that influence the fulfillment of such legal protection. This research is an Empirical Juridical research. Using primary data in the form of interviews and secondary data in the form of primary legal materials, secondary legal materials, and tertiary legal materials. The results of this study are the form of legal protection for child victims of sexual violence is through repressive legal protection, one of the efforts to provide legal protection for child victims of sexual violence by applying criminal provisions as regulated in the laws and regulations in Indonesian positive law, as in Law Number 35 of 2014 concerning amendments to Law Number 23 of 2002 concerning child protection. The obstacles faced include internal obstacles, including those within the child and the victim's family, who appear to be covering up the incident and circumstances that occurred to the victim. External obstacles faced include the lack of a safe house from the government and witnesses who can provide information at the time of the incident. This hinders the process of enforcing the law against the crime of sexual violence against children. .

## INTRODUCTION

Indonesia is defined as a country of law, the legal basis of Indonesia is a country of law which is clearly stated in the 1945 Constitution of the Republic of Indonesia which states that Indonesia is a country of law.<sup>1</sup> Sexual violence or sexual abuse is an act of expression or treatment carried out by someone to manipulate another person to engage in desired sexual activity. The National Commission on Violence Against Women has created 15 categories of forms of sexual violence consisting of: rape, sexual intimidation, sexual harassment, sexual exploitation, trafficking of women for sexual purposes, forced prostitution, sexual slavery, forced marriage, forced pregnancy, forced abortion, forced use of contraception and sterilization, sexual torture that is harmful and discriminatory against women and sexual control.

The Republic of Indonesia is a country that upholds the enforcement, equality and protection of the law for every citizen. Article 28 B paragraph (2) of the 1945 Constitution also states that every

child has the right to survival, growth and development and has the right to protection from violence and discrimination. 3 If viewed from a normative perspective, that as regulated in Article 81 of Law No. 17 of 2016 concerning the Determination of Government Regulation in Lieu of Law No. 1 of 2016 concerning the Second Amendment to Law No. 23 of 2002 concerning Child Protection into Law raises a fairly large hope in its law enforcement efforts.

As stated in Article 81, it is one of the efforts to enforce criminal law on sexual violence against children in Indonesia. In addition, it is also hoped that there will be a criminal policy in an effort to overcome this crime comprehensively so that the main objective of protecting children as referred to in Article 28 B paragraph (2) of the 1945 Constitution of the Republic of Indonesia can be realized properly.

The phenomenon of sexual violence against children is increasingly prevalent and occurs in nearly every country. Cases of sexual violence in Indonesia are increasing over time, and tragically, the perpetrators are often from within the child's family or community. Sexual violence against both girls and boys must not be tolerated, as it violates the law and morals and can cause physical and psychological harm to the child.

Child protection is all efforts to secure and protect children and their rights so that they can live, grow and develop and participate optimally and receive protection from sexual violence. Sexual harassment is very important and needs to receive very serious attention considering the age and condition of the child which will cause several negative factors such as disturbed mental health and prolonged trauma.

Child Protection Rights according to Law No. 35 of 2014, every child has the right to receive protection from: abuse in political activities, involvement in armed conflict, involvement in social unrest, involvement in events containing elements of violence, involvement in war, and sexual crimes.

## **METHOD**

Based on the formulation of the problem and research objectives, the approach used in this study is empirical juridical. In empirical juridical legal research, it is also known as field research because this type of research starts from primary data, obtained directly from informants as the primary source through fieldwork. This study uses several approaches to obtain information from different angles regarding the problem and to find answers.

The location of this research will be conducted at the Class 1A District Court Lampung Province and the UPTD PPA (protection of women and children). This study used a non-probability sampling technique, namely purposive sampling. Where the sample is determined based on a specific

purpose, namely the sample is selected or determined by the researcher, where the appointment and selection of the sample is based on the consideration that the sample has met certain criteria and properties or characteristics that are the main characteristics of the population.

The analysis technique used in this study is qualitative data analysis. Qualitative data analysis is data collected naturally, consisting of words that are not processed into numbers, unclear relationships between variables, and data collection using interview and observation guidelines, and developing the data into words or sentences.

Qualitative data analysis is intended to interpret relevant legal materials and then draw conclusions through deductive to inductive thinking patterns, to find answers to the research problem formulation so that the results of the research can be accounted for.

## **RESULTS AND DISCUSSION**

Victims of a crime are essentially the most vulnerable and suffer the most from the crime, and often do not receive the protections provided by law to perpetrators. Legal protection for crime victims is part of community protection, which can be realized in various forms, such as restitution and compensation, medical services, and legal aid.

Children who are victims of sexual violence can suffer both physical and non-physical harm. Physical harm can include disability, injury, and even death. Meanwhile, non-physical harm can include mental disorders and persistent fear. In essence, children cannot protect themselves from various crimes that cause harm to themselves, so children as victims must be protected from violence and actions that physically and mentally injure them. Victims of sexual violence have rights that must be upheld. The pain, suffering, fear, and various other impacts that befall them after sexual violence require serious attention from all parties. Victims should not be ignored when fighting for their fate, because it is appropriate for victims to fight for their rights before the law with the help of law enforcers who also accompany and act as a bridge for victims to obtain the rights they should receive.

The issue of legal protection for children is one aspect of the approach to protecting Indonesian children. Child protection law is Indonesian law that guarantees children's rights and obligations. The problem is not solely implemented with a legal approach, but a broader approach is needed, namely economic, social and cultural.<sup>65</sup> Children as victims of sexual violence are protected by Indonesian laws and regulations based on Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, namely in Article 59 paragraph (2) letter j which clearly regulates the role of the government and state institutions which are obliged and responsible for providing special protection to children who are victims of sexual violence.

One of the parties that plays a major role in helping children protect themselves and obtain justice

is law enforcement officials. The alignment of the implementation of laws and regulations with the performance of law enforcement officials is essential to achieving the justice that children as victims deserve. Protection for children as victims of sexual violence does not only refer to Article 59 paragraph (2) letter j of the Child Protection Law, but there are several other laws and regulations that are also involved. plays a role in protecting child victims, namely in Article 287 paragraph (1) of the Criminal Code, Article 288 paragraph (1) of the Criminal Code, Article 290 of the Criminal Code, Article 292 of the Criminal Code, Article 293 paragraph (1) of the Criminal Code, Article 294 paragraph (1) of the Criminal Code, Article 47 of the Domestic Violence Law, Article 4 paragraph (2) of the TPKS Law (letters c and e), as well as Article 76D in conjunction with Article 81 paragraph (1) and Article 76E in conjunction with Article 82 paragraph (1) of Law Number 35 of 2014 concerning Child Protection.

As a further effort to eliminate the opportunity for a crime to be committed, the Jayapura City Police, especially the Women and Children Protection Unit (PPA), in providing legal protection for children is not only limited to the examination and investigation stage, but the police also coordinate with related institutions through preventive/preventive efforts. Repressive measures are also crucial for law enforcement officials to deter perpetrators and serve as a means of resocializing perpetrators of similar child molestation crimes. Repressive measures are referred to as penal measures or a last resort (*ultimum remedium*), which impose sanctions stipulated in criminal law.

During the legal process, children as victims have the right to receive protection in the form of confidentiality of their identity in news reports in print or electronic media. The identity of the child as victim may be reported or published using only initials without a picture. 68 Protection of children is a shared responsibility. To ensure maximum protection for children, there needs to be coordination and cooperation between the government, society, and parents. 69 Children as victims of sexual crimes actually need to return to their physical and mental condition as before. This should exist as a form of restitution where the obligation to provide material and immaterial restitution to the victim should not be. It is not only the responsibility of the State, but it is also the responsibility of the perpetrator to restore the victim's condition.

## CONCLUSION

Based on the research that has been conducted, it can be concluded that: 1. The factors causing the rampant occurrence of sexual violence against children in Jayapura City can be caused by family factors, education, environment, and several other supporting factors. 2. Legal protection for children who are victims of sexual violence reported to the Jayapura City Police generally uses Article 76D in conjunction with Article 81 paragraph (1) and Article 76E in conjunction with Article 82 paragraph

(1) of the Child Protection Law. In addition, the Jayapura Police also provide preventive and repressive protection for children who are victims of sexual violence.

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