

## **HELPING CHILDREN VICTIMS OF SEXUAL VIOLENCE BY THE CENTER FOR INTEGRATED SERVICES FOR WOMEN AND CHILDREN EMPOWERMENT (P2TP2A) MAROS REGENCY**

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### **Abstract**

*Violence is an act that causes misery or suffering physically, psychologically, sexually or acts who neglects someone to do any acts of force, any coercion, or unlawful deprivation of liberty. This act of violence is a crime that often occurs in Indonesia, including sexual violence. Sexual violence in which the majority of the victims are women and children. however, they're often on the highlight of the news that is displayed on newspaper or e-news. Children was a gift from God and they're the next generation of the nation's ideals who should be receive special protection as stipulated in the positive law of Indonesia. The impact of sexual violence is very detrimental to children both for their physically and psychologically. Therefore,*

**Keywords: sexual violence; children; accompaniment**

### **INTRODUCTION**

Violence is a crime that often occurs in Indonesia, including sexual violence. A criminal act that is no longer a stranger occurs and often becomes news that is broadcast in the media. Sexual violence in which the majority of victims are women and children is often the highlight of news that is displayed in print and electronic media. This is certainly a big concern for all Indonesian people.<sup>1</sup>

Not only adults who are victims of sexual violence, but also children who often become victims of perpetrators of sexual violence. In fact, some cases show that not only girls are subjected to sexual violence but also boys. This phenomenon

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<sup>1</sup> Maya Indah S, *Perlindungan Korban, Suatu Perspektif Viktimologi dan Kriminologi*, Prenada Media Group, Jakarta, 2014, hal. 19

should get great attention considering that children are very vulnerable to sexual violence that can injure physically, psychologically, and even threaten the future of children. Children who should get protection, proper education, and a prosperous life do not deserve treatment that can cause children to feel misery and suffering.

Children are a gift given by God Almighty, be it a boy or a girl. Children are the future successors of the nation who will be the main assets of the state to achieve prosperity in the future. Therefore, it is appropriate for children to get good treatment by being cared for, educated, guarded and protected by the state as explained and regulated in Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, precisely in Article 20 it is explained that the State, Government, Regional Government, Community, family, and Parents or Guardians are obliged and responsible for the implementation of Child Protection.<sup>2</sup>

But in fact, there are still many children who get bad treatment and even become the object of a criminal act. For example, in the case of the murder of Engeline Megawe, an 8-year-old girl who had to endure torture and cruel murder by her own stepmother. Cases of sexual harassment by unscrupulous teachers against six elementary school students in Seyegan District, Sleman Regency where the perpetrator first threatened the victim, as well as other cases that made children the victims of crime. Whereas in positive laws and regulations that apply in Indonesia, all children's rights have been regulated as a form of protection for children. Facts show that children do not get full protection,<sup>3</sup>

We often get images of sexual violence experienced by children from the media which vulgarly displays cases related to sexual violence with children as victims. In these cases, it is not uncommon for this violence to be perpetrated by parties around the child, including the family, which is basically a protector for the child but instead destroys the child's future.<sup>4</sup>

Children as victims of sexual violence will experience disturbances both physically and psychologically that can damage the soul and future of the child. In fact, not a few children who experience sexual violence then become traumatized and no longer a cheerful and enthusiastic person like children in general. This is

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<sup>2</sup> Pasal 20 Undang-Undang Nomor 35 Tahun 2014 tentang perubahan atas Undang Undang Nomor 23 Tahun 2002 tentang Perlindungan Anak

<sup>3</sup> Edi Suharto, *Analisis kebijakan Publik*; Alfa Beta, Bandung, 2005, hal.22

<sup>4</sup> Salmah Novita Ishak, *Perlindungan Hukum Bagi Anak Sebagai Korban Kejahatan Kekerasan Seksual*, Tesis, Fakultas Hukum Universitas Hasanuddin, 2017, hal. 5.

certainly a criticism that is very dangerous for children. If the child experiences prolonged trauma, it can cause the child to no longer think about his future and stop doing positive activities. Therefore, legal protection is needed that can maintain and ensure the welfare of children, including being free from all forms of crime, including sexual crimes.<sup>5</sup>

Efforts to protect children from positive law in Indonesia can be seen through the Criminal Code (KUHP), Law Number 23 of 2002 as amended by Law Number 35 of 2014 concerning Child Protection, Law Number 23 2004 concerning the Elimination of Domestic Violence, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, and the Minister of Women's Empowerment and Child Protection Regulation of the Republic of Indonesia Number 15 of 2010 concerning General Guidelines for Handling Children in Conflict with the Law.<sup>6</sup>

Legislation that regulates legal protection for children, especially from sexual crimes is an effort by the state to provide a sense of security to children so that children will not receive acts of violence that can interfere with the child's growth and development process. With this legislation, it is hoped that children can live their lives as they should.

But the facts on the ground show that the number of sexual violence against children is not small. Many children are forced to stop their education due to sexual violence from their environment. In fact, not a few cases reported by the media show that sexual violence experienced by children is caused by their own families. This is certainly contrary to the function of the family which should be the main protector of the child and the immediate environment of the child which should provide a sense of security, protection and happiness to the child.<sup>7</sup>

Considering that the consequences of sexual violence experienced by children can be very dangerous for the lives and futures of children, a recovery is needed for children who are victims of sexual violence. This is so that children who have become victims can resume their lives and recover from their pain and trauma. A recovery effort is needed that can help children to recover from all pain, both physically and psychologically.<sup>8</sup>

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<sup>5</sup>Maya Indah S, *Op.Cit*, hal. 28

<sup>6</sup>Anastasia Hana Sitompul, "Kajian Hukum Tentang Tindak Kekerasan Seksual Terhadap Anak di Indonesia", No. 1, *Lex-Crimen*, Vol.IV, 2015, hal. 47

<sup>7</sup> Dikdik M. Arief Mansur dan Elisatris Gutom, *Urgensi Perlindungan Korban Kejahatan, Antara Norma dan Realita*, PT. Raja Grafindo, Jakarta, 2008, hal. 16

<sup>8</sup>Salmah Novita Ishak, *Op.Cit*, hal. 7

Efforts that can be made to recover children who are victims are to provide assistance to children.<sup>9</sup> This assistance aims to provide assistance to victims in a criminal case as an effort to resolve a legal problem or as an effort to recover the victim. With the assistance carried out by professionals as regulated by law, it can help children to recover from their dark times so that they are able to return to living their lives as children in general.<sup>10</sup>

One of the institutions that carries out this mentoring function is the Integrated Service Center for the Empowerment of Women and Children (P2TP2), precisely in Maros Regency, South Sulawesi Province, which is one of the institutions that handle cases of sexual violence. This institution also carries out the function of assisting victims of sexual violence, especially women and children as a process of recovery for victims.

## **RESEARCH METHODS**

This research is an empirical legal research, namely research that functions to see the law as a reality that works and lives in society or in other words sees the law in a real sense. This study examines and analyzes how the mentoring process is carried out for children who are victims of sexual violence as an effort to recover children and is a form of legal protection for children. This research was also conducted by analyzing the relevant laws and regulations and their application in society. The data collection techniques used by the author in this study are interviews,

## **RESULTS AND DISCUSSION**

### **A. Principles of Protection and Children's Rights**

Based on the Big Indonesian Dictionary, children are descendants, children are also interpreted as humans who are still small. In addition, essentially a child is a person who is at a certain developmental period and has the potential to become an adult. Children have different characteristics and traits from adults.<sup>11</sup> Children are buds, the next generation of the nation's ideals, have a strategic role in maintaining the existence of the State and nation in the future. Children are also one of the

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<sup>9</sup> Setyaningrum, Ayu, and Ridwan Arifin. "Analisis Upaya Perlindungan dan Pemulihan Terhadap Korban Kekerasan dalam Rumah Tangga (KDRT) Khususnya Anak-Anak dan Perempuan." *Jurnal Ilmiah Muqoddimah: Jurnal Ilmu Sosial, Politik dan Humaniora*, Volume 3, Nomor 1 (2019), hal. 12.

<sup>10</sup> Dikdik M. Arief Mansur and Elisatris Gutom, *Op.Cit*, hal. 18

<sup>11</sup> Anton M. Moeliono, *Kamus Besar Bahasa Indonesia*, Balai Pustaka, Jakarta, 1998, hal. 30.

vulnerable groups whose rights are still neglected. Therefore, the rights of children must be prioritized.<sup>12</sup>

Based on the Convention on the Rights of the Child, every country in implementing the protection of children must pay attention to the following principles:

#### 1. Principle of Non-discrimination

This means that all rights recognized and contained in the CRC must be applied to every child without any distinction. This principle is contained in Article 2 of the CRC Paragraph 1:

“States parties respect and guarantee the rights set out in this Convention for every child within their jurisdiction without discrimination of any kind, regardless of race, colour, sex, language, religion, political opinion or opinion. other views, national, ethnic or social origin, property status, disability or not, birth or other status either from the child himself or from his legal guardian.”

In addition, Article 2 also explains that:

"States parties will take all necessary steps to ensure that the child is protected from all discrimination or punishment based on the status, activities, expressed opinions or beliefs of the child's parents, legal guardians or family members."

This principle is very clear, instructing States parties to never discriminate against children for any reason. Thus, anyone in this country should not treat a child regardless of whether he or she comes from any sect or ethnicity, including from any socioeconomic group.<sup>13</sup>

#### 2. The Best Interests of the Child Principle

As stated in Article 3 Paragraph (1):

"In all actions involving children carried out by public or private social welfare institutions, judicial institutions, government agencies or legislative bodies, the best interests of the child must be the main consideration."

This principle reminds all child protection providers that the considerations in making decisions regarding the future of children, are not based on the size of adults, let alone focus on the interests of adults. What adults think is good, is not

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<sup>12</sup> Peraturan Menteri Pemberdayaan Perempuan dan Perlindungan Anak Republik Indonesia No. 15 Tahun 2010 tentang Pedoman Umum Penanganan Anak Yang Berhadapan Dengan Hukum.

<sup>13</sup>Hadi Supeno, *Kriminalisasi Anak*, PT Gramedia Pustaka, Jakarta, 2010, hal. 54.

necessarily good according to the size of the child's interests. It may be that adults mean to provide assistance and help, but what actually happens is the destruction of the child's future

### 3. Principles of the Right to Life, Survival and Development

The message of this principle is very clear that the state must ensure that every child will be guaranteed their survival because the right to life is something that is inherent in him, not a gift from the state or individuals. To guarantee the right to life means that the state must provide a conducive environment, adequate living facilities and infrastructure, as well as access for every child to obtain basic needs.<sup>14</sup>

In other words, the state must not allow anyone, or any institution, and any community group to interfere with a child's right to life. This also applies to the fulfillment of the right to grow and develop.

Growing involves psychological aspects. The implementation of this principle means that the state through its national regulatory instruments and national institutions must encourage optimal child growth and development. Let alone exploitation, violence and discrimination as well as neglect is strictly prohibited because it will interfere with the growth and development of children.

### 4. Principle of Respect for the Views of the Child

This principle is based on the sound of Paragraph 1 Article 12 of the CRC, that:

“Countries Parties shall ensure that children who hold their own views have the right to express their views freely in all matters affecting the child, and those views will be respected according to the age and maturity of the child.”

The most important point of this principle, the child is a subject who has personality autonomy. Therefore, he cannot only be seen in a weak, accepting, and passive position, but in fact he is an autonomous person who has experiences, desires, imaginations, obsessions and aspirations that are not necessarily the same as adults.

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<sup>14</sup>*Ibid.*, hal. 60

The principle of respect for children's opinions should be appreciated because adults do not always hold the truth, and in many cases children have high objectivity, and have not been contaminated by the narrow interests of adults.<sup>15</sup>

Of the four general principles of child protection above, what becomes centrifugal as well as centripetal is the principle of survival, growth and development. This means that for the survival and development of children, every child must be treated non-discriminatory in all fields of life, the treatment received must be in the best interests of the child, as well as the opportunity for children to participate. Only with such treatment, the space for survival, growth and development to be optimal.<sup>16</sup>

Meanwhile, according to Gultom himself, the principles of children's rights consist of several other terms, namely:

1. Children can't fight alone

Wrong One of the principles used in child protection is that children are the main capital for the survival of humans, the nation, and the family, for that their rights must be protected. Children cannot protect their own rights, many parties affect their lives. The state and society have an interest in protecting children's rights.

2. the best interest of the child

So that child protection can be carried out properly, the principle is adhered to which states that the best interests of the child must be seen as the highest priority) in every decision concerning children. Without this principle, the struggle to protect children will experience many stumbling blocks.

3. Life-cycle approach

Child protection refers to the understanding that child protection must start early and continuously. The fetus in the womb needs to be protected with nutrients, including good iodine and calcium through the mother. If he has been born, then breast milk and primary health services are needed by providing immunization services and others, so that the child is free from various possible defects and diseases.

times In preschools and schools, quality families, educational institutions, and social and religious institutions are needed. Children get good learning

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<sup>15</sup>Waluyadi, *Hukum Perlindungan Anak*, CV.Mandar Maju, Bandung. 2009, hal. 18

<sup>16</sup>Ismantoro Dwi Yuwono, *Penerapan Hukum Dalam Kasus Kekerasan Seksual Terhadap Anak*, Pustaka Yustisia, Yogyakarta, 2015, hal. 180.

opportunities, adequate rest and play time, and participate in determining their own destiny. When a child is 15-18 years old, he enters a transitional period into the adult world. This period is full of risks because culturally, a person is considered mature and physically is already perfect enough to carry out his reproductive function

. Intersectoral

The fate of children depends on various direct or indirect macro and micro factors. Poverty, urban planning and all evictions, the education system that emphasizes memorization and irrelevant materials, communities full of injustice, and so on cannot be handled by the sector, especially the family or the children themselves. Child protection is a struggle that requires the contribution of everyone at all levels.<sup>17</sup>

On November 20, 1959, the general assembly of the United Nations (UN) approved the Declaration on the Rights of the Child. In the preamble of this declaration, it is implied that mankind is obliged to provide the best for children. This declaration contains 10 (ten) principles regarding children's rights, namely:

4. Children have the right to enjoy all their rights in accordance with the provisions contained in this declaration. Every child without exception must be guaranteed their rights without distinction of ethnicity, skin color, gender, language, religion, political opinion, nationality, social level, rich and poor, birth or other status, whether in himself or in his family;
5. Children have the right to special protection and must have opportunities guaranteed by law and other means, in order to enable them to develop themselves physically, psychologically, morally, spiritually and socially in healthy, normal situations in accordance with their freedom and dignity. Putting this goal into law, the best interests of the child must be a top priority;
6. Children from birth have the right to a name and nationality;
7. Children have the right and must be socially guaranteed to grow and develop in a healthy manner. For this both before and after birth there must be special care and protection for the child and its mother. Children have the right to adequate nutrition, housing, recreation, and health services;
8. Children who are physically, mentally and socially disabled due to certain conditions must receive special education, care and treatment;
9. In order for a child's personality to grow optimally and harmoniously, he needs love and understanding. As far as possible he should be brought up

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<sup>17</sup>Darwan Prinst, *Hukum Anak IndonesiaI*, PT. Citra Aditya Bakti, Bandung, 2003, hal. 80



- under the care and responsibility of his own parents and in any case efforts should be made to remain in a loving atmosphere, physically and mentally healthy;
10. Children have the right to free compulsory education at least at the elementary school level. They should have protection which increases their general knowledge, and which allows, on the basis of equal opportunities, to develop their abilities, personal opinions and feelings of moral and social responsibility, so that they can become useful members of society;
  11. Under any circumstances, the child must be given priority in receiving protection and assistance;
  12. Children must be protected from all forms of neglect, violence, exploitation. It should not be the subject of trade. The child may not work before entering a certain age, he may not be involved in work that can harm his health or education, or that can affect his body, soul and moral development;
  13. Children must be protected from acts that lead to social, religious, or other forms of discrimination. They must be brought up in a spirit of understanding, tolerance and friendship between nations.<sup>18</sup>

A child who is a victim of crime from a crime, especially a crime of sexual violence, has various rights and obligations that must be carried out in accordance with his age-related abilities. The rights and obligations stated by Arief Gosita are as follows:<sup>19</sup>

1. Get physical assistance (health first aid, clothing, shelter and so on);
2. Get assistance in solving problems (reporting, legal advice, and defense);
3. Reclaim his property;
4. Get coaching and rehabilitation;
5. Refusing to be a witness, if this would endanger him;
6. Obtain protection from the threat of the victim making a report or witness;
7. Obtain compensation (restitution, compensation) from the perpetrator (according to ability) or other parties concerned for the sake of justice and welfare concerned;
8. Refusing compensation for the sake of the common interest;
9. Using legal remedies (*rechtsmiddelen*).

However, it is also said that children who are victims of violence also have obligations, namely as follows:<sup>20</sup>

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<sup>18</sup>*Ibid.*, hal. 90

<sup>19</sup>Arif Gosita, *Masalah Korban Kejahatan*, Akademika Pressindo, Jakarta, 1983, hal. 21.

<sup>20</sup>Nashriana, *Perlindungan Hukum Pidana Bagi Anak Di Indonesia*, Rajawali Pers, Jakarta, 2012, hal. 20-23

1. Don't make victims yourself by retaliating (take the law into your own hands);
2. Participating with the community prevents the creation of more victims;
3. Preventing the destruction of the victim maker either by oneself or by others;
4. Willing to be fostered or fostered yourself so as not to become a victim again;
5. Do not demand compensation that is not in accordance with the ability of the victim maker;
6. Provide opportunities for the victim maker to compensate the victim according to his ability (in installments in stages/remuneration for services);
7. Be a witness if you do not endanger yourself and there is a guarantee of security for yourself;

The rights and obligations of children who are victims of sexual violence have been regulated in laws and regulations.

**B. Assistance as a Recovery Effort for Children Victims of Sexual Violence by the Integrated Service Center for Women and Children Empowerment (P2TP2A) Maros Regency**

The problems of women and children in Maros Regency are increasingly complex. Cases of violence against children, whether sexual crimes, psychological violence, domestic violence, cases of child neglect and other cases that cause children to face the law, have increased even during the last three years. This of course will threaten the growth and development of children perfectly. The government as a representative of the state has the obligation and responsibility to fulfill, protect and respect the rights of children and women as part of human rights.

The number of cases of violence against children has increased every year. Based on the data obtained by the author, it is found that several types of violence that make children as victims have increased every year. P2TP2A noted that there are at least 3 types of violence that often occur and make children as victims. One type of violence that often occurs in children is sexual violence. Children who still do not understand well about this crime are easily influenced or coerced by perpetrators of violence so that they are often the targets of sexual violence.

The Integrated Service Center for the Empowerment of Women and Children in Maros Regency is an integrated service center that carries out a series of activities for handling and protecting victims of violence against women and children, including the crime of trafficking in persons. The Integrated Service Center for the Empowerment of Women and Children in Maros Regency also cooperates with

relevant agencies or institutions and the community as a unit in providing health assistance, social assistance, repatriation, social reintegration and legal assistance.

The following data shows the types of violence and the number of cases handled by the Integrated Service Center for the Empowerment of Women and Children (P2TP2A) in Maros Regency for the last three years, 2018, 2019, and 2020.

**Table I. Data on Types and Number of Cases of Violence against Children and Women in 2018 - 2020.**

No.	Type of Violence	2018	2019	2020
1.	Economic Abandonment	2	5	4
2.	Child Abandonment	4	2	2
3.	Children in Conflict with the Law (ABH)	2	4	1
4.	Sexual harassment	8	9	12
5.	Educational Abandonment	2	1	1
6.	Psychic Violence	6	9	4
7.	Physical abuse	7	7	6
8.	domestic violence	11	7	13
9.	Child Custody	2	2	5

**Source: Integrated Service Center for Women and Children Empowerment (P2TP2A) Maros**

The table above shows the types and amounts of violence that occurred against children and women in Maros Regency during 2017, 2018, and 2019 which were handled by the Integrated Service Center for the Empowerment of Women and Children. some types of violence cases show an increase every year, but there are also cases that show a decrease every year. From the table, it can be seen that cases of sexual violence and cases of domestic violence that make children and women victims have the highest number of cases in the last 3 years.

Sexual violence is a crime whose number of cases has increased every year. Actually, it is not only sexual violence that poses a threat to children, but other cases of violence also often make children as victims. This is very detrimental to

children because considering the impact of violence experienced by children can endanger children's lives. Not only physical pain, but also psychological disorders that greatly affect the quality of life of children. Violence against children is a crime that deserves great attention considering the negative impacts that can be felt by children who are victims.

**Table II. Data on the Number of Violence Against Children in 2018-2020**

No.	Type of Violence	2018	2019	2020
1.	Economic Abandonment	-	2	-
2.	Child Abandonment	2	1	1
3.	Children in Conflict with the Law (ABH)	1	4	-
4.	Sexual harassment	6	8	9
5.	Educational Abandonment	1	1	1
6.	Psychic Violence	-	-	1
7.	Physical abuse	2	2	2
8.	domestic violence	1	-	2
9.	Child Custody	-	-	-

**Source: Integrated Service Center for Women and Children Empowerment (P2TP2A) Maros**

Given that children who are victims of violence will experience suffering both physically and psychologically, recovery is needed so that children can resume their lives as they should. With this assistance, it is hoped that children can recover from their pain and trauma so that they can return to living life as they should.

The Integrated Service Center for the Empowerment of Women and Children (P2TP2A) Maros Regency is an integrated service that provides mentoring programs with various types of activities according to the needs of victims. The assistance referred to includes legal protection, medical, psychological treatment as well as assistance by experts in their fields as regulated in the law related to guarantees for children who are in conflict with the law, especially children who are victims of a crime. Based on the Regent of Maros Regulation,

P2TP2A as an integrated service center for the protection of children and women establishes a complaint procedure as regulated in the relevant regulations in reaching out to children who are victims of violence or other crimes.

1. Whistleblower reports directly

The reporter referred to in this case is the victim, the victim's family, or the community who came directly, delivered via telephone, or submitted letters related to the existence of acts of violence.

2. Whistleblowers are Referred by Observer Institutions, Society or Mass Media

If the victim comes because of a referral by other institutions or individuals, then the victim is accepted as the victim who came directly. However, before interviewing the victim, the officer must first check the letter or data sent by the referring institution or individual. In the event that there is no reference letter or accompanying data, the steps for handling it are the same as for victims who come directly.

3. Whistleblowers Come With Ways To Be Reached By Officers

If the victim cannot come in person, P2TP2A will send officers to do outreach and offer services to him. Outreach can also be a follow-up to complaints by telephone, SMS, or letters by victims or other parties as well as mass media coverage. Outreach can also not be done at the victim's place of residence if the victim feels unsafe to make a complaint and interview at home.

The assistance provided by P2TP2A to children who are victims in cases of sexual violence include:

1. Health Services/ Medical Recovery

Health services or medical recovery by P2TP2A will work together with health institutions in providing services to children who are victims of sexual violence. Health institutions in this case the Health Office and its staff including Regional General Hospitals and Health Centers coordinate with P2TP2A if there are children who experience sexual violence. This service aims to provide assistance related to the health or physical condition of the victim, so that professional referrals from agencies in synergy with P2TP2A can provide treatment according to the needs of the victim.

2. Legal Services

Not only health services are provided to victims, but also legal services as an effort to recover children who are victims of sexual violence. Based on information from sources, it is known that in legal services there are four service mechanisms

that will be provided by victims, namely legal consultation, legal protection, legal assistance, and legal handling.

### 3. Psychological and Spiritual Services

Psychological services in the form of services provided by psychological institutions in collaboration with P2TP2A in providing assistance to victims related to the psychological conditions experienced by victims. The provision of this assistance is accompanied by programs that support the recovery of victims, such as therapy, personal sharing or other actions in maximizing the victim's recovery.

### 4. Psychosocial Services

This psychosocial service functions to receive complaints/reports related to the existence of children who are victims of violence, then identify forms of social strengthening and economic strengthening to strengthen or restore the victim's confidence so that they are able to continue their lives. This service also aims to collect data regarding victims who will receive economic facilities including plans and budgets for activities in the form of training and skills as well as providing capital.

### 5. Educational Guidance and Counseling Services

Education Service is an assistance provided considering that education is very important for children. So it is proper for children to get a good education as it should. This assistance is carried out by handling cases in stages starting from the school level (Counseling Teacher), School Principals, District Education UPTD, Education Office and P2TP2A as well as law enforcement officers as well as taking action to prevent violence at the education unit level.

As a form of protection for children in Indonesia, the legislators, through legislation (positive law), such as the Criminal Code (KUHP), Law no. 23 of 2002 as amended by Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, Law No. 23 of 2004 concerning the Elimination of Domestic Violence (KDRT), and Law No. .11 of 2012 concerning the Juvenile Criminal Justice System which absolutely provides various forms of legal protection related to the issue of protecting children against acts of sexual violence.

The form of child protection provided by the Child Protection Act and the Law on the Elimination of Domestic Violence and the Child Criminal Justice System is

the adoption, compilation, or reformulation of forms of child protection that have been regulated in the Criminal Code.

In Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, especially in Article 59 paragraph (1) it is stated that the Government, Regional Government, and other State Institutions are obliged and responsible for providing special protection to children.<sup>21</sup> This article implies that the government, including local governments, together with state institutions, is obliged to provide a sense of security and special protection to children.

Protection for children is also explained further in Article 59 paragraph (2) especially in letter (j) which states that special protection is given to children who are victims of sexual violence.<sup>22</sup> This article describes which groups of children are entitled to special protection from the government guaranteed by the state. One of them is a child who is a victim of sexual violence. Furthermore, Article 59 A explains the efforts that must be made in providing special protection to children. The following reads Article 59 A.<sup>23</sup>

“Special Protection for Children as referred to in Article 59 paragraph (1) is carried out through efforts:

- a. prompt treatment, including physical, psychological, and social treatment and/or rehabilitation, as well as prevention of disease and other health disorders;
- b. psychosocial assistance from treatment to recovery;
- c. providing social assistance for children who come from underprivileged families; and
- d. providing protection and assistance in every judicial process”.

The special protection for children who are victims of sexual violence is explained in more detail in Article 69 A which reads as follows:<sup>24</sup>

“Special Protection for Child victims of sexual crimes as referred to in Article 59 paragraph (2) letter j is carried out through efforts:

- a. education on reproductive health, religious values, and moral values;
- b. social rehabilitation;
- c. psychosocial assistance from treatment to recovery; and

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<sup>21</sup> Undang Undang Nomor 35 Tahun 2014 Tentang Perlindungan Anak Pasal 59 Ayat (1)

<sup>22</sup> Undang-Undang Nomor 35 Tahun 2014 Tentang Perlindungan Anak Pasal 59 Ayat (2)

<sup>23</sup> Undang-Undang Nomor 35 Tahun 2014 Tentang Perlindungan Anak Pasal 59 A

<sup>24</sup> Undang-Undang Nomor 35 Tahun 2014 Tentang Perlindungan Anak Pasal 69 A

- d. providing protection and assistance at every level of examination, from investigation, prosecution, to examination in court.”

The Child Protection Act has explained the special protection provided to children who are victims of crime, including sexual violence. This law states that children who are victims of sexual violence are entitled to adequate and maximum assistance and services as an effort to recover the child.

Not only in the Child Protection Act, but in Law Number 23 of 2004 concerning the Elimination of Domestic Violence, it also regulates the rights of victims of domestic violence. One form of violence against children as family members is sexual violence where children can become victims of sexual violence committed by other family members. The text of Article 10 of the Law on the Elimination of Domestic Violence is as follows:<sup>25</sup>

“Victims are entitled to:

- a. protection from the family, police, prosecutors, courts, advocates, social institutions, or other parties, either temporarily or based on the stipulation of a protection order from the court;
- b. health services according to medical needs;
- c. handling specifically related to the confidentiality of the victim;
- d. assistance by social workers and legal assistance at every level of the examination process in accordance with the provisions of the legislation; and
- e. spiritual guidance service.”

In this article, it has been clearly stated that every child who is a victim of domestic violence has the right to receive assistance or guidance according to the needs of the victim. The services or assistance in question can be in the form of legal, health, psychological, psychosocial, spiritual services and other assistance based on the circumstances and needs of the victim.<sup>26</sup>

Not only in the Child Protection Act and the Law on the Elimination of Domestic Violence, but the provision of assistance or services to children who are victims is also regulated in Law Number 11 of 2012 concerning the Juvenile Justice System which in Article 23 paragraph (1) which states that every child who

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<sup>25</sup> Undang-Undang Nomor 23 Tahun 2004 Tentang Penghapusan Kekerasan Dalam Rumah Tangga Pasal 10

<sup>26</sup> Hambali, Azwad Rachmat. "Penerapan diversifikasi terhadap anak yang berhadapan dengan hukum dalam sistem peradilan pidana." *Jurnal Ilmiah Kebijakan Hukum*, Volume 13, Nomor 1 (2019), hal 18.



is a victim of crime is entitled to legal assistance, and is accompanied by a community counselor or other assistant as regulated in the Legislation.<sup>27</sup>

Furthermore, in this Law, Chapter IV is regulated in relation to community officers consisting of community advisors, social workers, professional staff, and social welfare workers which include qualifications, duties and authorities, obligations and matters related to community officers.<sup>28</sup> The profession as referred to in this chapter is part of the companion who carries out the function of assisting children who are victims of sexual violence. Of course, professional and competent personnel are needed in providing assistance to victims considering that the purpose of this assistance is to provide recovery as a victim's right.

The positive law that regulates the rights of victims, especially the rights of special protection to children who are victims of crime, including sexual violence, is a manifestation of legal protection. In this case, it should be emphasized that the law is made to protect and safeguard the rights of each individual as something that is inherent in each individual and must be guaranteed, and respected by the state and the wider community.

## **CONCLUSION**

Protection of children is an important thing considering that children are the future successors of the nation and are the next generation to achieve the ideals of the nation. Children are considered as weak people because they have not been able to protect themselves from various disturbances or threats that come from outside. Therefore, there is a need for stricter protection for children compared to protection for adults in general.

One of the crimes or crimes that often make children as victims is the crime of sexual violence which certainly threatens the future of the child because it can not only cause physical or psychological pain, it can also cause the child to feel prolonged trauma. Sexual crimes against children are often featured in various media in Indonesia, this shows that the protection of children is still not implemented optimally.

Legal protection for children as victims of sexual violence is not only in the form of handling in the courts but also in terms of recovering children who are victims. In this case, the child has the right to receive assistance in terms of legal,

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<sup>27</sup> Undang-Undang Nomor 11 Tahun 2012 Tentang Sistem Peradilan Anak Pasal 23 Ayat (1).

<sup>28</sup> Undang-Undang Nomor 11 Tahun 2021 Tentang Sistem Peradilan Anak Bab IV.

health or medical, psychologist, or other assistance as a form of recovery for children after being victims of sexual violence.

Considering that this effort is very important, it requires the participation or attention of many parties, be it the government, related institutions, families and community leaders so that this recovery effort can be carried out optimally so that children who are victims of sexual violence can recover and continue their lives as children in general.

By optimizing the implementation of assistance to children who are victims and supported by laws and regulations that form the basis for implementing this recovery effort, it is hoped that legal protection efforts will be realized for children who are victims of sexual violence as regulated by laws and regulations.

## **REFERENCES**

### **Jurnal**

- Anastasia Hana Sitompul. 2015. "Kajian Hukum Tentang Tindak Kekerasan Seksual Terhadap Anak di Indonesia". No. 1, Lex-Crimen, Vol.IV.
- Salmah Novita Ishak. 2017. *Perlindungan Hukum Bagi Anak Sebagai Korban Kejahatan Kekerasan Seksual*. Tesis. Fakultas Hukum Universitas Hasanuddin.
- Setyaningrum, Ayu, and Ridwan Arifin. "Analisis Upaya Perlindungan dan Pemulihan Terhadap Korban Kekerasan dalam Rumah Tangga (KDRT) Khususnya Anak-Anak dan Perempuan." *Jurnal Ilmiah Muqoddimah: Jurnal Ilmu Sosial, Politik dan Hummanioramania*, Volume 3, Nomor 1 (2019).
- Hambali, Azwad Rachmat. "Penerapan diversi terhadap anak yang berhadapan dengan hukum dalam sistem peradilan pidana." *Jurnal Ilmiah Kebijakan Hukum*, Volume 13, Nomor 1 (2019).

### **Regulation**

- RepublikIndonesia, *Undang-Undang Nomor 35 Tahun 2014 tentang perubahan atas Undang Undang Nomor 23 Tahun 2002 tentang Perlindungan Anak*
- RepublikIndonesia, *Undang – Undang Nomor 23 Tahun 2004 Tentang Penghapusan Kekerasan Dalam Rumah Tangga*
- RepublikIndonesia, *Undang-Undang Nomor 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak*
- RepublikIndonesia, *Peraturan Menteri Pemberdayaan Perempuan dan Perlindungan Anak Republik Indonesia No. 15 Tahun 2010 tentang Pedoman Umum Penanganan Anak Yang Berhadapan Dengan Hukum*.

### **Book**

- Anton M. Moeliono. 1998. *Kamus Besar Bahasa Indonesia*. Balai Pustaka: Jakarta.
- Arif Gosita. 1983. *Masalah Korban Kejahatan*. Akademika Pressindo: Jakarta.
- Darwan Prinst. 2003. *Hukum Anak Indonesia I*. PT. Citra Aditya Bakti: Bandung.
- Departemen Sosial Republik Indonesia Direktorat Jendral Pelayanan dan Rehabilitasi Sosial Anak. 2007. *Panduan Pendampingan Anak Nakal*. Pusdatin Kesos, Jakarta.
- Dikdik M. Arief Mansur dan Elisatris Gutom. 2008. *Urgensi Perlindungan Korban Kejahatan. Antara Norma dan Realita*. PT. Raja Grafindo: Jakarta.
- Edi Suharto. 2005. *Analisis kebijakan Publik*. Alfa Beta: Bandung.
- Hadi Supeno. 2010. *Kriminalisasi Anak*. PT Gramedia Pustaka: Jakarta.
- Ismantoro Dwi Yuwono. 2015. *Penerapan Hukum Dalam Kasus Kekerasan Seksual Terhadap Anak*. Pustaka Yustisia. Yogyakarta.
- Maya Indah S. 2014. *Perlindungan Korban, Suatu Perspektif Viktimologi dan Kriminologi*. PrenadaMedia Group: Jakarta.
- Nashriana. 2012. *Perlindungan Hukum Pidana Bagi Anak Di Indonesia*. Rajawali Pers: Jakarta.
- Waluyadi. 2009. *Hukum Perlindungan Anak*. CV.Mandar Maju: Bandung.