

Strengthening Legal Protections for Child Victims of Sexual Violence in Indonesia

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Article info

Submitted:

2023-June-22

Reviewed:

2023-July-27

Accepted:

2023-August-29



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Publisher

Universitas Muhammadiyah
Magelang

Keywords: Legal Protection, Sexual Violence, Criminal Offences, Children Contract

ABSTRAK

Penelitian ini mengkaji perlindungan hukum bagi anak yang menjadi korban kekerasan seksual oleh orang tua kandung mereka, dengan fokus pada kasus nomor 11/Pid.Sus/2022/PN.Wno. Penelitian ini menyoroti pentingnya tindakan pencegahan dan perlindungan sebagaimana diatur dalam undang-undang Indonesia, termasuk Undang-Undang No. 35 Tahun 2014, Undang-Undang No. 17 Tahun 2016, dan Undang-Undang No. 12 Tahun 2022. Undang-undang tersebut mewajibkan perlindungan hak-hak anak dan memastikan keselamatan mereka dari segala bentuk kekerasan. Penelitian ini menggunakan pendekatan hukum normatif dan data sekunder, dengan pengumpulan data melalui tinjauan literatur dan analisis deskriptif kualitatif. Penelitian ini menekankan kompleksitas dalam mengidentifikasi individu yang berisiko dan perlunya strategi pencegahan yang komprehensif yang melibatkan keluarga, penegak hukum, dan organisasi seperti KPAI untuk secara efektif melawan kekerasan seksual terhadap anak.

Kata Kunci: Perlindungan Hukum, Kekerasan Seksual, Pelanggaran Pidana, Anak

ABSTRACT

This study examines the legal protection of children who are victims of sexual violence by their biological parents, focusing on case number 11/Pid.Sus/2022/PN.Wno. It highlights the importance of prevention and protection measures as outlined in Indonesian laws, including Law No. 35 of 2014, Law No. 17 of 2016, and Law No. 12 of 2022. These laws mandate the need for safeguarding children's rights and ensuring their safety from all forms of abuse. The research utilizes a normative legal approach and secondary data, with data collection through literature review and qualitative descriptive analysis. It underscores the complexity of identifying at-risk individuals and the necessity of comprehensive prevention strategies involving families, law enforcement, and organizations like the KPAI to combat sexual violence against children effectively.

I. INTRODUCTION

Criminal acts of violence for any reason are a violation of human rights. As violence is one of the most common occurrences in Indonesia, the government should give particular attention to this issue (Rosnida, 2020). Furthermore, violence can lead to physical, sexual, and psychological suffering, as well as threats to commit unlawful acts. This issue has

persisted for a considerable time, so it must be openly discussed. The prevalence of violence and its effect on individuals mental and psychological well-being has not been fully appreciated by the community, resulting in a growing number of violent incidents that contravene Indonesian law. Specifically, there is evidence to suggest that the incidence of sexual violence is on the rise, indicating a lack of effective legal protection against this crime type in the country (Russell et al., 2020).

A case of sexual violence committed by biological parents against a child occurred in Wonosari Gunungkidul, with case number 11/Pid.Sus/2022/PN.Wno (Dpr.go.id, 2022). The defendant, who is the biological father of the victim, it has been legally and convincingly proven that he has committed the offence of sexual violence towards a minor in this instance. The defendant was proven to have committed sexual violence against the victim three times. The first incident occurred in June 2020, after the victim's grandfather (from the defendant's side) passed away, and the victim stayed at the defendant's residence in Gunungkidul, which resulted in two incidents of violence. The second incident occurred in July 2020, around 8 pm local time, at the home of a relative in Gunungkidul who was only identified by the initials A, which led to a repeat of the violence.

The decision in this case legally and convincingly proves that the defendant committed the crime of violence by forcing a child to have sexual intercourse with him (Barus, 2022). This violates Article 81 paragraph (1) in conjunction with Article 76D conjunction Article 81 paragraph (3) of Law No. 17 of 2016 on the Stipulation of Government Regulation in Lieu of Law No. 1 of 2016 on the Second Amendment to the Child Protection Law No. 23 of 2002, in conjunction with Article 65 paragraph (1) of the Criminal Code. Therefore, the defendant was sentenced to imprisonment for 15 (fifteen) years and a fine of IDR 3,750,000,000.00 (three billion seven hundred fifty million rupiahs) with the provision that if the fine is not paid, it will be replaced by an additional penalty in the form of an announcement on the announcement board, the official website of the Public Prosecutor's Office, print media, electronic media and/or social media. The announcement is intended to publicise the identity of the defendant as a perpetrator of sexual violence against children for 1 (one) calendar month.

As specified in Article 1 Point 1 of Law Number 23 Year 2002, child protection involves all activities focused on protecting and preserving their right to survival (Prabasini, 2021). Regrettably, children requiring protection often suffer violence instead. According to Article 44 of Law Number 23 of 2002, it is the government's responsibility to provide essential facilities and comprehensive health services for children's protection. The family and community play a vital role in moulding a child's personality by engaging in direct interactions with them and being cognizant of child safety concerns (Harrys, 2020).

Regarding violence against children, Law No. 35 of 2014 modifies Law No. 23 of 2002 concerning children's protection, lays out criminal penalties that include both imprisonment and fines. Moreover, Law Number 12 of 2022, which deals with Criminal Acts of Sexual Violence, specifies that if a family member commits the act of sexual violence, there is an additional penalty of 1/3 (one third) added to the criminal penalty.

Sexual violence constitutes the sexual exploitation of children through harmful actions (Muhammad, 2020b). Thus, special focus must be given to sexual violence as it has the potential to jeopardize the lives of women and girls. A range of factors are analyzed to identify potential risk factors for incidents of child sexual abuse. While a physical examination can assist in corroborating a history, exclusive reliance on physical examination and laboratory results should be avoided as several forms of sexual violence are not always visibly evident and tend to heal swiftly and completely.

In Indonesia, sexual violence against children is a serious threat, children are frequently targeted for sexual violence due to their perceived vulnerability and the low morality perpetrators. The safeguarding of children's rights is a vital matter, consisting of regulations that ensure their development and advancement in spiritual, physical, and social dimensions. Violence against children is one of the issues of concern, so there needs to be legal protection efforts against this violent crime. The government's endeavours to safeguard children entail enacting legal measures such as Law Number of 2002 dealing with Child Protection, which has been updated on the basis of legislation comprising Act Number 35 of 2014 relating to Child Protection, Act Number 17 of 2016 relating to Government Regulation in lieu of Act Number 1 of 2016 which refers to the Second Amendment to Act Number 23 of 2002 relating to Child Protection, and Act Number 12 of 2022 dealing with Criminal Acts of Sexual Violence (Rumble et al., 2020).

In the Child Protection Law and the Sexual Violence Crime Law, in addition to the government providing health services, parents and families are also responsible for maintaining children's health conditions, as stated in section 45B (1) of Act No. 35 of 2014, it is the duty of government, local authorities, communities and parents to safeguard children from any action that poses a threat to their overall health, growth and development. However, the fact is that in the decision of case number 11/Pid.Sus/2022/PN.Wno, parents who should nurture and protect children are actually the cause of trauma and psychological disorders in children.

Based on the description provided, the author intends to conduct a study titled "Legal Protections of Child Victims of Sexual Violence by Their Biological Parents (Case Study of Decision No. 11/Pid.Sus/2022/PN.Wno)" with the formulation of the problem containing: (1) How is the legal protection of children as victims of sexual violence by biological parents in Decision Number 11/Pid.Sus/2022/PN.Wno? (2) How is the prevention of criminal acts of sexual violence against children? Furthermore, this study aims to explain the legal protection provided to children who are victims of sexual violence by biological parents and to find out the prevention of criminal acts of sexual violence against children by biological parents.

This research has the potential to increase and improve the knowledge of writers and the general public about the legal protection offered to children who have suffered sexual violence by their biological parents.

II. METHOD

This research uses a normative juridical approach method, which means that this research is focused on the application of rules and norms in law (Dimiyati & Wardiono, 2004). In research using the approach method, namely collecting data, explaining, and analyzing the results so that this research focuses on jurists who provide legal protection to children who are victims of violence by biological parents. The data sources used are secondary data sources, which include primary legal materials containing the Child Protection Act, the Sexual Violence Act and the Criminal Code, secondary legal materials containing journals, and tertiary legal materials regarding legal dictionaries. The data collection technique in this research uses library research, namely studying various regulations, book, and other literature relevant to the research. This method explains the work sequence process, tools, and methods of collecting primary, secondary and tertiary data that are adjusted to the research methodology. The type of research used is descriptive research, namely research by describing a problem with certain factors in systematic, factual, and accurate manner. This research was conducted using a qualitative method, which is a method that emphasizes descriptive analysis to explain a phenomenon in depth.

III. RESULT AND DISCUSSION

3.1. Legal Protection of Children as Victims of Sexual Violence by Biological Parents in Decision Number 11/Pid.Sus/2022/PN.Wno

Legal protection is the government's effort to protect victims with existing regulations and to supervise its citizens who have become victims of criminal acts. In addition, Philipus M. Hadjon postulates that legal protection involves ensuring the preservation of dignity and respect for human rights (Riyadi, 2023), in accordance with the law, by those who are subject to it. According to Article 1, point 18 of Law No. 12 of 2022 on criminal acts of sexual violence, protection consists of "all efforts made by the LPSK, in accordance with laws and regulations, enforce rights and provide assistance to ensure the safety of victims and witnesses." Therefore, legal protection is a legal concept that has the ability to provide justice, order, certainty, and peace.

Child protection is outlined in Article 76C of the Child Protection Law No. 35 of 2014, which states that "It is prohibited for any person to commit, permit, order to be committed or participate in acts of violence against minors." Child protection, as stipulated in Indonesian Law 23 of 2002, aims to enhance the developmental potential of Indonesian children, enabling them to thrive and thus achieve a rewarding and prosperous life (Teguh, 2020). According to Arif Gosita, child protection is an effort to protect children so that their rights and obligations can be carried out (Arif, 1989). One of the human rights that must be given to children is the protection of children, so that children must be protected so that they do not become victims of anyone's actions either directly or indirectly (Maidin, 2012a). In the Convention on the Rights of the Child, child protection is an effort to create an environment in which children can fulfill their rights and obligations for the reasonable

physical, mental, and social growth. The principle of the Rights of the Child include nondiscrimination, the best interests of the child, the right to life and development, and respect for the child (Muhammad, 2020b).

The state is obliged to protect, fulfill, and respect children to ensure the fulfillment of children's rights. To ensure the fulfillment of children's rights, the government is responsible for formulating, implementing and supporting national child protection policies in the regions. Based on these obligations, the government and local governments must be responsible for making the necessary efforts to provide protection to children. These are two types of legal protection that can be provided, namely preventive and repressive legal protection (Sari, 2020).

The aim of Sexual Violence Offences Law 12 of 2022 is to prevent all forms of sexual violence, whilst offering care, protection and support to victims, while respecting the law and rehabilitating offenders. There are various penalties for crimes committed against minors, including a minimum of 5 (five) years imprisonment and a maximum of 15 (fifteen) years imprisonment and a fine of up to IDR 5,000,000,000.00 (five billion rupiah) and an additional sentence of 1/3 of the criminal threat. Perpetrators may also face additional punitive measures, including public disclosure of their identity, chemical castration, and electronic monitoring.

Special protection is provided to children who are victims of criminal acts. Rehabilitation efforts are carried out both inside and outside the institution. Children are also protected against identity theft through the media, and security guarantees are put in place for victims' witnesses and experts. Access to information on the progress of the case is also facilitated for the benefit of the children. Meanwhile, special protection for child victims of sexual violence is carried out by the role of the child and women's protection commission which has duties including:

Conducting dissemination of all laws and regulations pertaining to safeguarding children, gathering public complaint data and information, scrutinizing, overseeing, evaluating and supervising child protection infringements. Provide reports, suggestions, inputs and considerations to the president in the context of child protection.

3.1.1. Legal and Juridical Services

To resolve this case, the victim will be provided with legal and juridical services by the Wonosari District Court and Gunungkidul Police. As stipulated in the law and covering all legal processes at the court and police. In order to provide a defence for the victim, it is necessary to have a lawyer who will fairly and firmly represent the victim's legal interests, as has been determined in Law Number 6 of 2019 concerning Investigation of Criminal Offences that the police will investigate and investigate criminal acts in accordance with applicable legal provisions.

3.1.2. Medical Services

Efforts to provide medical services to victims are carried out by means of a post mortem which has the aim of knowing whether there are wounds or damaged organs in the body,

so that the result of the post mortem can be used as strong, valid, and convincing evidence that the perpetrator of the crime is guilty of physical losses that have been experienced by the victim. In addition, Article 44 paragraph (1) of Law Number 35 of 2014 stipulates that the government and local government are responsible for providing facilities and organizing comprehensive health efforts and in Article 1 point 17, handling is carried out to provide health services to victims.

3.1.3. Psychological Services

Psychological service efforts provided to victims are by conducting psychological observations conducted by psychological at the Office of Women's Empowerment and Child Protection and Community-based service provider organizations that provide services to victims, families of victims, and/or witnesses in criminal acts of sexual violence. This will result in a Visum et Repertum Psychiatric letter, a psychological examination is carried out to determine the psychological impact on the victim, including the presence of severe trauma or depression and also provided a companion for the victims and to provide victims with a safe home service.

3.1.4. The author will describe the results of the analysis of the judge's consideration and analysis of the decision in Criminal Case Number 11/Pid.Sus/2022/PN.Wno

The Panel of Judges considered based on the existing legal facts and the Defendant was found to have committed a criminal offense charged by the Public Prosecutor with a subsidiary charge, namely charged with violating the Primair, Subsidiary, and More Subsidiary articles. According to doctrine and jurisprudence in the practice of Criminal Procedure, the Panel of Judges considers the primary charged first, if the primary charges have been proven then the subsidiary charges are not considered further. Therefore, the Panel of Judges first proved the prima facie charges, the elements of which are as follows:

1. Parents, guardians, family members, or caregivers of children, as well as educators, education personnel, or child protection officers, or a group consisting of more than one of these individuals, are included in this category.;
2. Use violence or threat of violence to force a child;
3. Having sexual intercourse with her or another person;
4. Performing several actions that are seen as independent;

Against these elements the Panel of Judges considers as follows:

- a. "Parents, guardians, family members, or caregivers of children, as well as educators, education personnel, or child protection officers, or a group consisting of more than one of these individuals, are included in this category."

According to the judge's consideration, during the trial the defendant was physically and mentally healthy and could respond well to the testimony of witnesses during the trial and could answer well and smoothly every question asked. In the consideration of the Panel of Judges, they were convinced that the defendant's actions had been

proven during the trial the Panel of Judges did not find anything that could eliminate criminal reasonability, so the defendant as a parent that leads to the subject of the criminal offence has been fulfilled. Based on my argumentation, the reasoning of the Panel of Judges is in accordance with Article 81 paragraph (1) jo Article 76D jo Article 81 paragraph (3) of Law of the Republic of Indonesia Number 17 Year 2016 on the Stipulation of Government Regulation in Lieu of Law Number 1 Year 2016 on the Second Amendment to Law of the Republic of Indonesia Number 23 Year 2002 on Child Protection jo Article 65 paragraph (1) of the Criminal Code. The punishment for this criminal offence is imprisonment for 15 (fifteen) years and a fine of Rp. 1,000,000,000,000.00 (one billion rupiah) provided that if the fine is not paid, it shall be replaced by imprisonment for 6 (six) months. Therefore, the decision of the Panel of Judges was in accordance with the charges and the defendant was found guilty and sentenced.

b. "Use violence or threat of violence to force a child"

Based on the evidence produced during the trial, the victim was 13 years and 3 months old at the time of the first criminal offence. Therefore, the victim was classified as a child in this case. The accused forced the child to have sexual intercourse, fulfilling the element of using force to coerce a child. The victim experienced psychological coercion, which constitutes coercion. In the judge's view, the second and third acts also occurred so that the element of using force to coerce a child had been fulfilled. According to my argument, the perpetrator's actions must be held accountable under Article 89 of the Criminal Code, which defines violence as the unlawful use of force or physical strength. This is supported by the psychiatric visum et repertum letter number 463/00115, which found that the child victim suffered psychological harm as a result of the sexual violence committed by the Defendant. According to Article 81 paragraph (1) of Law No. 35 of 2002, individuals who violate the provisions stated in Article 76D may face imprisonment for a minimum of 5 years and a maximum of 15 years, as well as a fine of up to Rp. 5,000,000,000.00 (five billion rupiah).

c. "Having sexual intercourse with her or another person"

Based on the judge's assessment of the carnal knowledge factor, whether with the victim or another person, in accordance with the legal doctrine relating to the definition of carnal knowledge, the legal conclusion can be drawn that the defendant inserted his penis into the victim's vagina and ejaculated, which caused sperm to be released onto the floor. Therefore, the Panel of Judges concluded that the defendant had engaged in sexual penetration with the victim using his penis. Therefore, the Panel of Judges concluded that the element of cohabitation had been fulfilled. According to my argument, the element "copulation with him or another person" can be attributed to the Visum et Repertum: 370/6615/III/2021, dated 28 December 2021 which contains the conclusion that an examination was carried out on a girl aged 14 years and 7 months, there was an old tear in the blood membrane at three o'clock, the impression of blunt force trauma. With the facts revealed during the trial that the defendant had

inserted his penis into the victim's vagina, this had an impact on the psychological state of the child victim as a result of the forced sexual intercourse. Therefore, the element of sexual intercourse with her or another person was fulfilled.

d. "Performing several actions that are seen as independent"

From the three legal events, it was determined that the defendant, who lives in Gunungkidul, forced a child to have sexual intercourse on three occasions, where the first and second incidents occurred in mid-June 2020 at approximately 9 pm and 9.05 pm, respectively, at his own house, and the third incident occurred in early July 2020 at approximately 8 pm at the residence of Mr. A who also lives in Gunungkidul. The Public Prosecutor combined the three acts into one indictment. In its decision, the Panel of Judges considered that the defendant had committed a series of acts, thus fulfilling the criteria of several independent acts. According my opinion, the element of "committing several acts that are considered independent" can be interpreted as the existence of several criminal offences that are considered independent of each other, so that the emphasis is on concurrence, namely the imposition of punishment for several criminal offences submitted in one prosecution in one sentence.

As has been described regarding the legal doctrine on proving charges, the primary charges have been proven and fulfilled, so the Panel of Judges will not prove the subsidiary and more subsidiary charges further.

Based on the decision analysis results in Criminal Case Number 11/Pid.Sus/2022/PN.Wno, namely:

1. Stating that the defendant was proven legally and convincingly guilty of committing a series of criminal offences which are considered to stand alone as a parent with violence forcing a child to have sexual intercourse with him as charged in the main indictment.
2. Therefore, the court sentenced the defendant to 15 (fifteen) years imprisonment and a fine of IDR 3,750,000,000.00 (three billion seven hundred fifty million rupiah). If the fine is not paid, a six-month period of imprisonment will be imposed instead.
3. Impose an extra sentence of announcing the identity of the offender as a perpetrator of sexual violence against children for one calendar month through notice boards, the official website of the Public Prosecutor's Office, and print, electronic, and/or social media.
4. Determine that the period of arrest and custody served by the defendant is to be fully deducted from the sentence imposed.
5. Determine that the defendant remains in custody.
6. Determine the evidence in the form of:
 - a. 1 (one) piece of short-sleeved T-shirt with white stripe pattern combined with purple with the brand COTTON CLUB
 - b. 1 (one) piece of brown bra with black floral pattern Destroyed;

7. The Defendant is ordered to pay court costs of IDR 5,000.00 (five thousand rupiah) to the court.

Based on the analysis conducted, the panel of judges has made an appropriate decision in accordance with the primary charges. In my analysis, the judges accurately dismissed the primary charges. Protection is crucial when it comes to children's human rights. However, in this case, the child was victimized. Therefore, a parent who intentionally induces a child to have sexual intercourse with them may be subject to the most severe criminal charges. The defendant must be held accountable for his actions under Article 81(1) of Law No. 35 of 2002, which carries a minimum prison sentence of 5 (five) years and a maximum of 15 (fifteen) years and a maximum fine of IDR 5,000,000,000,000.00 (five billion rupiah) and in accordance with Article 15 of Law No. 12 of 2022, namely the punishment shall be increased by one third of the criminal penalty because the perpetrators of sexual violence are biological parents, so they fall within the scope of the family. Violence against children also affects children's mental health, as the child victim becomes less self-confident and fearful of reactions from those around them. Therefore, sexual violence can lead to a decline in the victim's mental health and traumatize the victim ([Sigurdardottir & Halldorsdottir, 2021](#)).

3.2. Prevention of Sexual Violence Against Children

Sexual violence is a harmful act because it is a violation of social norms. The occurrence of sexual violence against girls and women is prevalent, necessitating the prevention of such crimes. It is crucial to protect children, the future of the nation, from becoming victims of this violence and ensure that they realize the nation's ideals in the future. Violence committed against children has a long-term impact on children and effects children's health and result in a loss of self confidence in children ([Kemensos RI & UNICEF, 2020](#)).

Based on the analysis of the existing decision, there are psychological aspects that cause the crime of sexual violence to occur, including the fact that the defendant and the mother of victim's child are separated, so they cannot channel their lust, which causes sexual crimes to occur. In addition, there was a favorable situation to commit sexual crimes against the victim, hence the need to prevent the crime of sexual crime of sexual violence that occurred. This falls under the category of 'Familial Abuse', sexual violence committed between blood relatives. Among the causes of violence committed against children, in case number 11/Pid.Sus/2022/PN.Wno includes the personality or character trait model which has similarities with psychodynamics, namely parents as perpetrators of violence due to the child's parent having a bad character and being too aggressive ([Maidin, 2012b](#)).

For this reason, prevention efforts are needed to protect children from criminal acts of violence, prevention is carried out to find out the causes of these crimes and provide socialization to find out about the crime of sexual violence. Actions that can be taken as a strategy to prevent and deal with violence against children and child protection, among others ([Muhammad, 2020a](#)):

1. Parent, caregiver, and family support is an attempt to prevent violence from occurring and minimize the factors that render families susceptible to violent behavior by training parenting skills.
2. Helping children and adolescents manage risk and challenge is an approach that gives children and adolescents the skills to manage the risk of violence so that they can help children to reduce violence in schools and communities and protect themselves from violence.
3. Changing attitudes and social norms that encourage violence and discrimination, namely providing knowledge on how to act when seeing and experiencing acts of violence so that they can understand if there are differences that occur in norms and values in society.
4. Promoting and providing support service for children is an approach that facilitates complaint services for children to get appropriate care and action, including the Integrated Service Center for Women's Empowerment and Child Protection.
5. Implementing laws and policies that protect children is creating policies that assign significant responsibility for protecting children, stopping violence against children, and creating a legal system that allows for monitoring.
6. Carrying out data collection and research is improving national data collection and information systems can help identify vulnerable groups and optimize the availability of data on child abuse issues. This can aid in monitoring violence against children.

Efforts to safeguard children must be implemented comprehensively, without prejudice towards any particular group of children. This objective must be accomplished by prioritizing the child's best interests, including their entitlement to life and development and their opinions must be valued and respected. The realization of justice in society is necessary to protect children. To overcome sexual violence against children, the role of families, communities, and law enforcement must be involved (Maidin, 2012a). Thus, Article 82 of Law No. 12 of 2022 states that "The Central Government and Regional Governments are required to conduct periodic and ongoing coordination to streamline prevention and handling of victims".

There is a crime prevention strategy, namely with preventive efforts that have the aim of preventing sexual violence against children through preventive actions (Putra & Syafiq, 2022), namely the community needs to know the reason why the perpetrator committed the crime, public awareness of the importance of early childhood sex education is needed to support efforts to understand children's self-defense and social education to develop social responsibility to society and foster community mental health through moral and religious education. In addition, there are repressive efforts to deal with sexual violence and violence against children by classifying violence as a criminal offense subject to criminal sanctions and the existence of child protection institutions established such as the Indonesian Child and Women Protection Commission which was formed to protect the interests of children and rehabilitation services for parents and children because the

process of restoring the physical and mental condition of children requires an important role for parents to prevent children from experiencing fear and ashamed of the injuries and trauma experienced.

In carrying out efforts to prevent criminal acts of sexual violence, various supporting roles can be carried out, namely:

3.2.1. The Role of Family

Parents must provide a sense of security for children to talk about what they are experiencing because the role of parents is very important to protect children from the threat of sexual violence. The role of the family is very important in helping children recover after experiencing sexual violence. According to Article 45B and Article 76C of Law Number 35 Year 2014 on Child Protection, families have a role in realizing the prevention of sexual violence crimes by strengthening the role of fathers and mothers in order to form a protective character and strengthen education in moral, ethical and religious aspects.

3.2.2. Community Role

To address sexual violence against children, it is necessary to involve the community in protecting them. Efforts that can be made by the community when hearing, seeing or knowing that a crime of violence has occurred are obliged to prevent criminal acts, protect victims, offer emergency assistance, and assist in the process of applying for protection determination. Thus, the role of the community towards the mass media must be wise because it has the aim of protecting children in accordance with Article 64 of Law Number 23 of 2002 which states that "The community is obliged to help restore the mental condition of victims". In addition, according to Article 85 of Law Number 12 of 2022, "The community participates in the prevention, assistance, recovery, and monitoring of sexual violence crimes". So that the community is expected to participate in protecting victims by not ostracizing victims and not giving bad judgement to victims.

3.2.3. Role of the Police

The police are in charge of providing protection, the unit for women and children's services (PPA) is responsible for providing protection services to women and children who are victims of crime, as well as enforcing the law against perpetrators (Pelayanan et al., 2007). The PPA Unit has functions when carrying out its duties, namely:

1. Implementation of legal services and protection
2. Organizing the investigation and investigation of criminal acts
3. Organizing cooperation and coordination with related agencies

Upon receipt of a report of violence within 1x24 hours the police will be responsible for protecting the victim by providing temporary protection to the victim, then within 1x24 hours of providing temporary protection the police must request a protection order from the court.

3.2.4. The Role of the Indonesian Commission for the Protection of Children and Women

Provide supervision when violence occurs by providing assistance assisting in the administration of justice and providing solutions to problems to the relevant authorities, and finding a way out regarding the handling of child victims such as rehabilitation (Hilman, 2014). The Indonesian Child Protection Commission provides legal assistance to child victims of sexual violence by conducting legal consultations and facilitating children's access to the judicial process. The Indonesian Child Protection Commission collaborates with legal aid institutions, such as Legal Aid Institutions, in accordance with Memoranda of Understanding. It does not work alone in managing and organizing child protection, but coordinates with other legal aid institutions to provide advocacy and protection for children.

3.2.5. The Role of Advocates

In providing services, advocates are obliged to provide legal consultation, accompany victims in the legal process, and coordinate with fellow law enforcers. This work entails collaborating with advocates and other social workers to facilitate a seamless judicial process and assisting victims in providing a clear and comprehensive account of the violence they have endured during the investigation and court hearing stages.

3.2.6. The Role of Health Workers

In providing medical treatment to victims, health workers must make a written report on the results of the victim's examination as well as a visum et repertum. In addition, health workers will restore and rehabilitate the health of victims and provide health services to victims by providing community or government-owned health facilities. As in Article 4 of the Regulation of the Minister of Health of the Republic of Indonesia Number 68 of 2013 which states that health services have an obligation to provide health services to child victims of sexual violence.

3.2.7. Role of Social Workers

Social workers in providing services must conduct counseling, provide information about the rights of victims, take victims to safe houses, and cooperate with the police and social institutions. In my opinion, social workers should selectively limit visits to child victims of sexual violence so that child victims can focus on recovering from the trauma they have experienced. As stipulated in Article 6(1) of Law No. 31/2014, victims of criminal acts of sexual violence are entitled to medical assistance, as well as psychosocial and psychological rehabilitation assistance.

3.2.8. The Role of the Spiritual Director

In providing services, spiritual advisors must instill faith and piety in victims and explain the rights and obligations of victims.

In my opinion, some of the prevention efforts that affect prevention are the role of the family and the surrounding community. Because according to my argument, the family is the closest environment to the child, so the family has an important role in preventing

violence and the need for in-depth education about violent crimes. Furthermore, the victim is a child from a broken home where parents must continue to protect, prevent and educate their children with love without causing trauma. And the community around the victim must provide full support and attention without discrimination, so that the victim feels calm when the environment does not shun him.

IV. CONCLUSION

Sexual violence is a complex crime that requires comprehensive legal protection for all victims, regardless of societal controversy. In Indonesia, the current lack of legal safeguards for sexual violence victims leads to fear in reporting and seeking justice. Laws must evolve to reflect the principles of Pancasila and the 1945 Constitution, ensuring adequate child protection and safeguarding victims' rights. Special measures, such as mental and physical health recovery programs, are essential for child victims, especially when the perpetrators are biological parents. A child and women's protection commission should oversee the judicial process to ensure justice. Preventive measures, including community education on sexual crime prevention and legal counseling, are necessary to empower victims to report incidents. Law enforcement must effectively sanction offenders. The community and parents play crucial roles in protecting children and supporting victims, promoting a safe and supportive environment.

Authors' Declaration

Authors' contributions and responsibilities - The authors made substantial contributions to the conception and design of the study. The authors took responsibility for data analysis, interpretation, and discussion of results. The authors read and approved the final manuscript.

Funding - No funding information from the author.

Availability of data and materials - All data are available from the authors.

Competing interests - The authors declare no competing interest.

Additional information - No additional information from the author.

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