



IMPLEMENTATION OF LEGAL PROTECTION FOR VICTIMS OF SEXUAL VIOLENCE CRIMES (RESEARCH STUDY INTEGRATED SERVICE CENTER FOR WOMEN'S AND CHILDREN'S EMPOWERMENT IN THE CITY OF BANDA ACEH)

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Abstract

Children are a gift from God Almighty that we must always protect because in Him the dignity and rights inherent in the whole human being must be respected and protected. Child protection is a series of activities aimed at guaranteeing and protecting children and their rights so that children can live, grow, develop and participate optimally in accordance with their dignity, human rights, and are protected from violence and discrimination. As required by the 1945 Constitution of the Republic of Indonesia, Article 28B paragraph (2). Child protection activities are legal activities with legal consequences. Therefore, there is a need for legal protection efforts for child protection activities. This research focuses on how the Integrated Service Center for the Empowerment of Women and Children (P2TP2A) in the city of Banda Aceh protects children's rights and the factors that hinder them. In this research, the research method that the author uses in this research uses empirical juridical methods and the author uses Observational Research methods. The data source for this research is analytical descriptive and comes from primary data from interviews with subjects and secondary data from books, journals, articles, theses, seminars and literature on the issues discussed in the Law. This research draws conclusions from general things to specific things. The conclusion from this research is that the efforts made by the government and the state to protect children who are victims of sexual violence are actually acceptable. However, there are several things that need to be considered in order to provide optimal protection to children as expected. Several factors that cause these difficulties include obstacles in the field which result in existing regulations appearing to be not as effective as expected.

Keywords: *Child Protection, Sexual Violence*

A. INTRODUCTION

The objectives of the Republic of Indonesia itself are clearly stated in the 1945 Constitution of the Unitary State of the Republic of Indonesia that the role of the state is to protect Indonesian citizens from all bloodshed, promote general welfare, educate the lives of Indonesian citizens, participate in efforts for world peace based on independence, and social justice. However, if you look at the facts that occur in this country, there are still many behaviors that are inversely proportional to the actual goals. Violence is any act that causes misery or suffering, whether physical, psychological, sexual or acts of neglect, as well as threats that force people to carry out an act, any coercion or deprivation of liberty that is against the law. This act of violence is a crime that often occurs in Indonesia, including sexual violence.

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A criminal act that is no longer uncommon and often becomes news broadcast in the media. Sexual violence, the majority of victims of which are women and children, often becomes the focus of news broadcast in print and electronic media. This is of course a big concern for all Indonesian people. Not only adults are victims of sexual violence, but also children who often become victims of perpetrators of sexual violence. In fact, several cases show that not only girls are subjected to sexual violence but also boys. This phenomenon should receive great attention considering that children are very vulnerable to sexual violence which can injure them physically, psychologically and even threaten the child's future. Children who should receive protection, proper education and a prosperous life do not deserve treatment that can cause children to experience misery and suffering.

Children are a gift given by God Almighty, whether a man or a woman. Children are the future successors of the nation who will be the country's main asset to achieve prosperity in the future. Therefore, it is appropriate for children to receive good treatment by being cared for, educated, looked after 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 explains that the State, Government, Regional Government, Community, family, and Parents or Guardians are obliged and responsible for implementing Child Protection. Regarding the strategic place and role of children, the state constitution also regulates the above matters. The growth and development of children in an environment that protects them until they reach adulthood is optimal and optimal, this also determines the level of productivity and competitiveness of human resources in the world and determines the existence and glory of a nation.

Apart from that, children are also the next generation of the nation who need special protection by law and are different from adults, because physically and mentally children are not yet mature and mature. Legal protection for children is defined as an effort to protect children's freedom and rights related to children's happiness and development. We often get images of sexual violence experienced by children from the media which graphically depicts cases related to sexual violence with children as victims. In these cases, it is not uncommon for this violence to be carried out by parties around the child, including the family, who are basically protectors of the child but instead become destroyers of the child's future. Children who are victims of sexual violence will experience both physical and psychological disorders which can damage the child's soul and future. In fact, quite a few children who experience sexual violence then become traumatized and are no longer cheerful and enthusiastic individuals like children in general. This is certainly a criticism that is very dangerous for children. If a child experiences prolonged trauma, it can cause the child to no longer think about the future and stop carrying out positive activities. Therefore, legal protection is needed that can safeguard and guarantee the welfare of children, including freedom from all forms of crime, including sexual crimes.

The city of Banda Aceh is the largest contributor to violence against children that occurs in Aceh Province, which increases every year. While in 2019 cases of child violence handled by P2TP2A Banda Aceh City were 84 cases, in 2022 this number will increase significantly to 129 cases. P2TP2A itself classifies types of violence against women and children into 17 categories, including domestic violence, sexual crimes, child custody, children in conflict with the law, harassment, child disappearance, human trafficking, psychological abuse, child care cases, violence physical, overt delinquency, neglect in the workplace, juvenile delinquency, defamation, drugs,



demanding agreements and violating human rights. The government has been dealing with this for a long time, including by establishing an agency within the Department of Women's and Children's Empowerment called the Integrated Service Center for Women's and Children's Empowerment or abbreviated as P2TP2A. P2TP2A Service Centers were established not only in provinces, but also in districts and cities. Based on the background above, especially regarding the large number of cases of criminal acts that occur against children or involve children in them, it is very interesting to discuss this matter further, focusing on the issue of protecting the rights of children as victims of criminal acts.

B. FORMULATION OF THE PROBLEM

1. How is the Law Implemented for Victims of Sexual Violence from the Integrated Service Center for the Empowerment of Women and Children in Bandah Aceh City?
2. What are the inhibiting factors in the implementation of Child Rights Protection carried out by the Integrated Service Center for the Empowerment of Women and Children (P2TP2A) in Banda Aceh City?

C. RESEARCH METHODS

Research methods are one of the elements in carrying out a series of reputable scientific research on problems or topics that are being discussed or solving problems that are still preconceived. In carrying out research, you definitely need a method to carry it out, it feels like carrying out research is not complete without using a method in it and the problem will not even be solved. This research uses a doctrinal legal research method where this research emphasizes theories regarding the process of occurrence and regarding the process of how law works in society. Doctrinal law has a research approach, namely Juridical and Empirical. This research also tends to use socio-research, where this research directly deals with the community looking for reasons and views on the targeted research topic. This research uses a typology that is descriptive analysis, which means that the research aims to describe something in a certain area and at a certain time, in researching you have obtained/have a picture in the form of initial data about the problem to be researched.

D. DISCUSSION

1. Implementation of the Law for Victims of Sexual Violence from the Integrated Service Center for the Empowerment of Women and Children in Bandah City, Aceh

Children are a trust and gift from the Almighty God, in whom the honor and dignity of being a complete human being is inherent. Since he was still in the womb, rights have been attached to him which all levels of society, both family and society, must protect and guarantee the fulfillment of these rights. Apart from that, the nation and state have also guaranteed the rights of children as stated in the 1945 Constitution of Indonesia Article 28B paragraph (2) which states that every child has the right to survival, growth and development, and the right to protection from violence and violence. discrimination.

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Children's Case Service Data Table for 2021 to 2023

No	Service	Year		
		2021	2022	2023
1	Acceptance of Complaints	70	71	54
2	Outreach	-	1	5
3	Health/visum assistance	6	5	4
4	Psychological Assistance	33	39	25
5	Legal Assistance	20	11	51
6	Mediation Services	14	7	5
7	Safe House Services	1	2	1

The data above was obtained from the Integrated Service Center for the Empowerment of Women and Children in Banda Aceh City from 2021 to 2023, which received a number of services from the community in the form of complaints received in 2021, a number of 70 complaints, then in 2022 a number of 71 and in 2023 a number of 54 complaints received by P2TP2A Banda Aceh City. Meanwhile, there are no outreach services in 2021, in 2022 there will be 1 outreach and in 2023 there will be 5 outreach. Apart from that, the services received by P2TP2A Banda Aceh City in the form of Health/Visum Assistance in 2021 amounted to 6 people, in 2022 there were 5 people and in 2023 there were 4 people. Apart from that, there are also a number of services in the form of psychological assistance, in 2021 there are 33 people, in 2022 there are 39 people and in 2023 there are 25 people. Then the services received are in the form of legal assistance services, in 2021 a number of 20 people, in 2022 a number of 11 people and in 2023 a number of 51 people. Furthermore, the Media service in 2021 will number 14 people, in 2022 there will be 7 people and in 2023 there will be 5 people, and finally, namely the Protection House service, in 2021 there will be 1 person, in 2022 there will be 2 and in 2023 there will be 1 person.

Children have special characteristics that are very different compared to adults and are a vulnerable group whose rights are still largely neglected. Therefore, children's rights are very important to prioritize and protect. The definition of children's rights used is the definition of children's rights according to Article 1 point 12 of the Child Protection Law, namely part of human rights which must be guaranteed and fulfilled by parents, families, society, government and the State. Protection is something that is protective, this is because every creature definitely needs protection. Protection can be provided in various forms, one of which is protection provided by the state in the form of legal protection. In



article 1 paragraph 3 of the 1945 Constitution of the Republic of Indonesia, it is stated that "Indonesia is a country of law". Thus, the state must guarantee the legal rights of every citizen and provide legal protection, because legal protection is the right of every citizen. Legal protection means efforts to provide protection or protection for human rights given to the community by law enforcement officials so that they can enjoy their rights and have a sense of security, both mental and physical from various disturbances and threats. The law functions to protect society from various threats of danger and actions that can harm both each other and community groups, including those carried out by power holders (government and state) and those that come from outside which are aimed at physical, mental, health and his human rights. The law functions to maintain and protect justice for all people. Thus, law can be said to be positive if it can safeguard and protect everyone and does not violate the values and rights of the citizens of that country.

Legal protection according to the Universal Declaration of Human Rights dated 10 December 1984 includes, among other things, Article 10 which reads "The right to be treated humanely and respect human dignity for people deprived of their liberty". Article 6 reads "Having the right to be recognized as a human being (subject of law) before the law anywhere". Apart from that, the article also states "Equal rights before the law and the right to the same law". Legal protection for crime victims is also part of protecting society According to Satjipto Rahardjo, legal protection is providing protection for human rights (HAM) that are harmed by other people and this protection is given to the community so that they can enjoy all the rights granted by law. According to Philipus M. Hadjon, legal protection is a subjective condition which expresses the necessity for a number of legal subjects to immediately obtain a number of resources, in order to continue the existence of legal subjects who are guaranteed and protected by law, so that their power is organized in the political decision-making process, and economics, especially in the distribution of resources, both at individual and structural levels.

Legal protection can also be interpreted as protection given to legal subjects through applicable laws and regulations and their implementation which is enforced by providing sanctions if these provisions are violated. Everyone has the right to receive protection from the law. Almost all legal subjects must receive protection from the law. Therefore, when children become victims of crime or violence, the State must provide legal protection to children through various laws and regulations. The issue of legal protection for children is one way to protect the nation's growth in the future. This protection is necessary because children are part of society who have physical and mental limitations. Therefore, children need special protection and care.

According to the Integrated Service Center for the Empowerment of Women and Children (P2TP2A) Banda Aceh City, legal protection for the rights of children who experience acts of sexual violence includes providing compensation, receiving health services and providing legal assistance, providing something to the victim as an attempt to compensate in accordance with suffering and damage to the victim's life both physically and psychologically, legal protection for victims must be comprehensive and integrated with each other, namely providing education about reproductive health, religious values and morality, victims receiving social rehabilitation in their environment including receiving psychosocial facilities in order to treat and rehabilitating victims of sexual

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crimes, including providing protection in the law enforcement process in these cases at all levels of investigation from the police, prosecutor's office to court.

In relation to legal protection for children in Indonesia, it has been confirmed in article 34 of the 1945 Constitution of Indonesia that "the poor and neglected children are cared for by the state". As a follow-up to this, the government has made various laws and regulations that contain children's rights. Legal protection for children in Indonesia has also been regulated in a special law, namely Law NO. 23 of 2002 concerning Child Protection and also Law no. 35 of 2014 concerning Amendments to Law NO. 23 of 2002 concerning Child Protection. According to article 1 paragraph (2) of Law NO. 23 of 2002 concerning Child Protection states that:

"Child protection is all activities to guarantee and protect children and their rights so that they can live, grow, develop and participate, optimally in accordance with human dignity, and receive protection from violence and discrimination."

2. Inhibiting Factors in Implementing the Protection of Children's Rights

The phenomenon of violence against children in Indonesia is like an iceberg phenomenon, where there are still many cases that cannot be handled as they should. In providing protection to children who were victims of acts of sexual violence by the Banda Aceh City Women's and Children's Empowerment Integrated Service Center (P2TP2A), several things were found that were obstacles in providing this protection. It is felt that these constraints or barriers have quite an influence on the processes or efforts carried out by the Banda Aceh City Women's and Children's Empowerment Integrated Service Center (P2TP2A), so that the maximum results that we both hope for are slightly hampered. Obstacle or inhibiting factors include:

a. Lack of community and family understanding of the concept of child protection.

Indonesia has had a Law on Child Protection for approximately 17 years. Likewise with existing Regional Regulations or other legal products. However, this is not a guarantee that the general public's understanding of the concept of protecting children's rights will mature, in fact it is felt that this understanding is still minimal. This is a big PR for all parties. This cannot be separated from the lack of understanding of the concept of child protection in both society and families. In society, there are still many who think that children's affairs are matters that fall within the family's internal domain, so they are reluctant to get involved in these matters and appear more indifferent.

Furthermore, within the family environment there are still many misunderstandings. We still find many families who think that if their child becomes a victim of sexual violence and so on, it is a disgrace to the family. So they are reluctant to fight for their children's rights because they feel embarrassed. Even though the law states that child protection is not only the duty and responsibility of the state and government. Because society and families are also required and responsible for the protection of children. Efforts to protect children are a collective task, protecting one (1) child means protecting the nation's buds and generations and also protecting the civilization of the Indonesian nation.

b. Technical Obstacles in the Field



One of the main challenges faced by activists in the field of child protection is technical problems in the field. In interviews with counselors at the Integrated Service Center for the Empowerment of Women and Children (P2TP2A) Banda Aceh City, researchers found that technical obstacles that often occur in the field make victims want to continue their cases to fulfill their rights. The victim's enthusiasm usually fades as a result of the length of the process or the time required to resolve the case they are facing, which is handled by the authorities. As a result, many victims become increasingly reluctant to pursue their cases.

Child protection activists have to face challenges because children who are victims are usually witnesses to the violence. If the child who is the victim does not want to continue, the Banda Aceh City Women's and Children's Empowerment Integrated Service Center (P2TP2A) as a companion will also not be able to continue the case. Protectors of children's rights usually anticipate this in various ways. Apart from that, many families of victims or victims have met with the perpetrator or his representatives to ask for peace. Sometimes, the Banda Aceh City Women's and Children's Empowerment Integrated Service Center (P2TP2A) doesn't know about it, so the cases they assist with don't continue. This repeats the first problem above: victims' families still lack understanding of the rights they should have. Sometimes, peace is also made by giving a sum of money as a sign of apology or other means. Meanwhile, the family does not realize that if this happens, the perpetrator has the possibility to act in the same way.

This clearly contradicts the law which states that society is also responsible for protecting children from all types of crimes and violations that harm children. So, the biggest obstacle in protecting children is the obstacle in the field. In addition, to protect children, coordination between institutions is needed because this protection must be carried out by various institutions, not just by one agency or related party. This is necessary to achieve optimal results. They must cooperate with law enforcement and the media. Law enforcers must understand children's rights apart from looking at them from the perspective of the law. The best interests of victims, especially children, must come first. In addition, the media must work together to prevent news that is detrimental to children. This is because the law mandates that children also have the right to have their identities kept secret.

E. CLOSING

a. Conclusion

Based on the research findings above, the author comes to the following conclusions:

- 1) The state protects children to ensure optimal physical, mental and social growth. Because child protection as stipulated by law is not only the responsibility of the state and government, even more broadly, the state gives responsibility for child protection to all levels of society. Respect the rights of children as victims to receive health and social security services that are appropriate to their physical, mental, spiritual and social needs to help them recover from long-term trauma caused by sexual violence. As a result, to protect children's rights, the Banda Aceh city government has created regulations and programs to protect the rights of children who are victims of sexual violence. Regional governments are responsible for preventing, suppressing, reducing

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and eliminating violence against children who are victims of sexual violence. Children who are victims of sexual violence have the right to legal protection, rehabilitation, prevention and other services that protect and satisfy children.

- 2) In this case, the Integrated Service Center for the Empowerment of Women and Children (P2TP2A) Banda Aceh City saw many obstacles or challenges from victims and their families, as well as technical challenges in the field, which made protection for children often appear inadequate. However, in an effort to protect children, both the Banda Aceh City Government and the Women's and Children's Empowerment Service have collaborated with various community groups to stop, suppress, reduce and eliminate crimes involving children as victims. This is because children have the right to proper growth and development guaranteed by the state.

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