



LEGAL PROTECTION FOR CHILDREN AS VICTIMS OF SEXUAL VIOLENCE BASED ON THE PERPECTIVE OF LAW NUMBER 12 OF 2022 CONCERNING SEXUAL VIOLENCE CRIMINAL ACTION

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ABSTRACT

The number of cases of violence against children is quite increasing. Based on the results of data from the Symphony or the Ministry of Women's Empowerment and Child Protection, there have been 1,848, related to cases of sexual violence that have a tremendous impact, such as increased risks regarding economic problems, education, aspects of community life in terms of health, politics, violence against children and their families, high levels of stress and even cases of violence, so that a significant impact occurs on the lives of children and their families. So efforts are needed that must be carried out in a coordinated manner in an effort to provide protection from sexual abuse of children in the present. This study discusses legal arrangements, forms of protection and solutions in preventing the reduction in the number of children as victims of sexual violence. The research specifications used in this study are in the form of descriptive analysis with a normative legal research approach. Data collection techniques carried out using literature studies related to children's problems as victims of sexual violence. Factors that underlie children vulnerable to becoming victims of sexual violence are lack of supervision from parents, lack of community concern, and a deterrent effect for perpetrators. The protection provided to vulnerable children as victims of sexual violence has been regulated in Law Number. 31 of 2014 On the protection of Witnesses and Koeban contained in article 5 that victims have their rights as victims. As well as efforts that can be made to prevent children from becoming victims of sexual violence, an institution is needed to understand the policies for child safety.

Keywords : *Protection, Children, Sexual Violence*

A. INTRODUCTION

The number of cases of violence against children is quite increasing. Based on the results of data from Simfoni or the Ministry of Women's Empowerment and Child Protection, there have been 1,848, related to cases of sexual violence that have a tremendous impact, such as increased risks regarding economic problems, education, aspects of community life in terms of health, politics, violence against children and their families, high levels of stress and even cases of violence, so that a significant impact occurs on the lives of children and their families. So that efforts are needed that must be carried out in a coordinated manner in an effort to provide protection from sexual abuse of children in the present, children are vulnerable to sexual crimes, so they really need protection and rules that regulate and implement them properly by law enforcement officials. Cases of violence against children in the North Sumatra Region increased, reaching 1,013 cases, in the International Women's Day seminar dialogue at RRI Medan. It is expected and necessary that the Law as a legal instrument be able to regulate the crime of sexual violence, and the restoration of victims' rights is needed.

Child sexual abuse is a common term that describes a criminal act. There are effects of sexual violence that occur in children both physically and psychologically. As a result, this

condition is considered necessary to make sexual education from an early age very necessary, provide knowledge and insight as well as the impact that occurs due to sexual violence. Children are the bringers of happiness. The problem of sexual violence is one form of crime that harasses and tarnishes the dignity of humanity, and should be categorized as a type of *crime against humanity*. Children are expressions of hope. The position of children as a young generation who will carry forward the noble ideals of the nation, future leaders of the nation and as a source of hope for previous generations, needs to get protection in order to get the widest possible opportunity to focus and develop reasonably, both spiritually, physically and socially.

Child protection is an effort and activity of all levels of society in various positions and roles, who are well aware of the importance of children for the archipelago and the nation in the future. If they have matured their physical or mental and social growth, it will replace the previous generation. With the existence of a law that really so that it can emphasize the number of violence because the Criminal Code has not been able to protect, especially for the restoration of rights to victims of sexual violence. Sexual violence against children which is a behavior to have sex whose victim is a child.

B. PROBLEM STATEMENT

1. What kind of protection is provided to children as victims of sexual violence?
2. What are the factors causing vulnerable children as victims of sexual violence?
3. What efforts can be made to prevent the occurrence of problems of children as victims of sexual violence?

C. LITERATURE REVIEW

Providing protection to human rights that are harmed by others and such protection is given to the community so that they can enjoy all the rights provided by law or in other words legal protection are various legal remedies that must be provided by law enforcement officials to provide a sense of security, both mentally and physically from interference and various threats from any party. In Setiono's opinion, Legal Protection is an act or effort to protect society from arbitrary actions by rulers who are not in accordance with the rule of law, to realize order and tranquility so as to allow humans to enjoy their dignity as human beings. According to Article 1 point 5 of Law Number 39 of 1999 concerning Human Rights is as follows: Child is every human being under the age of 18 (eighteen) years and unmarried, including children who are still in the womb if it is in their interest. Meanwhile, according to the Big Indonesian Dictionary (KBBI), the word sexual harassment can be divided into two, namely the words harassment and sexual. Harassment comes from the word harass which means to look down on, humiliate or worthless. While the word sexual comes from the word sex.

According to Law Number 35 of 2014, violence is any act against children that results in physical, psychological, sexual, and/or neglectful misery or suffering, including threats to commit unlawful acts, coercion, or deprivation of independence. Sexual violence is defined as any sexual act, attempt to perform a sexual act, comment or suggest to involuntary sexual behavior or vice versa, an act of violation to have sexual intercourse by force on someone.

D. RESEARCH METHODS

The research specifications used are descriptive analysis and normative legal research. Descriptive research is research that leads to a detailed and in-depth portrait and state of what is actually happening on the ground as well as studying problems in society and procedures that occur in society and certain situations, including problems of relationships, activities, attitudes, views, processes that occur and the influence of phenomena.



Normative legal research is a form of legal research that uses secondary data sources or data obtained through library research materials by examining reading sources relevant to the research theme, including *research* on legal principles, legal sources, legal theory, books, laws and regulations that are theoretical scientific and can analyze the problems discussed. Data collection techniques are carried out using literature study techniques to collect legal materials in the form of laws and regulations and other regulations related to the subject matter and problem formulation in this study. Literature review is a procedure carried out with a number of activities such as reading, reviewing and citing literature and revising the provisions of laws and regulations related to issues related to children as victims of sexual violence. After that, data processing is carried out to facilitate the analysis of data that has been obtained in accordance with the problems studied.

Data analysis is used qualitatively, namely describing data in the form of sentences that are arranged systematically, clearly and in detail which are then interpreted to reach conclusions. Data analysis used in this study is qualitative analysis and conclusion drawing is carried out by deductive method, which describes general things and draws specific conclusions in accordance with related problems discussed in this study. According to Article 1 paragraph (5) of Law Number 27 of 2004 concerning the Truth and Reconciliation Commission. That "Victims are individuals or groups of persons who experience physical, mental or emotional suffering, economic loss, or experience neglect, reduction or deprivation of their fundamental rights, as a direct result of gross violations of human rights, including the victim as well as his or her heirs" Victims are persons who, individually or collectively, have suffered harm, including physical or mental, emotional, economic harm, or substantial impairment of their fundamental rights through acts or commissions that violate the criminal law of their respective States, including abuse of power.

E. RESEARCH RESULTS

1. Causes of Children Being Victims of Sexual Violence

Underlying the cause of perpetrators so that they commit sexual violence against children as victims is usually perpetrators of violence who are generally people who have known the victim well from families with low social status costs difficulties who maintain the boundaries of their personal space, which should be a place to be a facility for children to grow into an area to threaten and endanger children, The perpetrator of violence against AAL who is generally a person known to both the victim and the family so as to make the victim fully aware of the dangers that threaten him, so that the closeness of personal distance between adults and children is actually used for the perpetrator to carry out his intentions. So that results in children losing confidence in their personal space. Thus causing a worse effect because of the loss of ability, children become afraid to have intimate distance or personal distance to others so that time is difficult to determine, appears in social behaviors such as lack of trust in others and self-interest who feels lonely, which can lead to behavioral and emotional disorders such as anxiety and depression. Or prolonged trauma for the child. Not only perpetrators but there are also factors that cause children to be vulnerable to becoming victims of sexual violence, namely:

- a. Lack of supervision from the child's parents

In this increasingly modern era, the level of supervision from parents to children is actually decreasing, resulting in reduced supervision of children in the use of gadgets, social media, and information so that children become influenced there.

- b. Low public concern

Some people have a low level of public concern so that child predators can freely search newspapers, so that not only external factors but also internal factors. So that awareness is needed together to supervise and take action in the surrounding environment by saving victims of violence so that in this case children in particular.

c. Law Without Deterrent Effect

The existence of law enforcement without an ineffective deterrent effect so that it does not provide a deterrent effect for the perpetrator, so that even many cases occur against sexual abuse and violence that occur both children and women that occur, especially in children, if the child becomes a victim so that it has a long-term impact on the child, such as sexual trauma to the child, Loss of confidence in children to go to adulthood, feelings of uselessness, and the stigma that haunts the child. So it is necessary to get special attention for children in cases of sexual violence. Because children are the generation for the future.

2. Forms of Protection Provided for Child Victims of Sexual Violence

The protection provided is in the form of psychological counseling given to children as victims of sexual violence. Psychology is a science about human consciousness about the state of the soul that is only reflected in a human state. So that the examination of psychologists must be carried out by psychologists. By providing counseling to children as victims of sexual violence so as to get support and increase confidence for the child as a victim of sexual violence because the child as a victim experiences prolonged psychological trauma and also harms the child's psyche. So the purpose of counseling is to find effective ways to heal children if they are victims of sexual violence. Conduct medical tests on children as victims of sexual violence, by making referrals to the hospital if the child has injuries or related to body examinations for the victim for healing for the child. The form of protection for vulnerable children as victims of sexual violence has been regulated in Law Number. 31 of 2014 concerning the protection of Witnesses and Koeban contained in article 5 that victims have the following rights, namely:

- a. Obtain protection for the safety of his person, family and property and be free from threats pleasing to the testimony he will be or have given.
- b. Participate in the selection process and find forms of protection and security support
- c. Presenting information without pressure
- d. Getting a translator
- e. Free from entangled questions
- f. Obtain information about case development
- g. Obtain information in the event that the convict is released
- h. Confidentiality of identity
- i. Got abru's identity
- j. Obtain transportation cost turnover according to needs
- k. Obtaining legal advice
- l. Obtain temporary cost of living assistance until the protection limit expires
- m. Obtain assistance for victims, both children and adults

3. Efforts to prevent the occurrence of sexual violence in children

In handling child cases, an institution needs to understand the policies for child safety. Child safety is an internal document in the organization that concerns the best policies, procedures and guidelines for the child. Case handling also has the following objectives:

- a. Ensure the fulfillment of basic needs for the child and the Korba family in accordance with their needs.
- b. By facilitating integrated services for the child and family
- c. Improve and create a social environment for children and their families to prevent the separation of children and their families.
- d. Increase cooperation between institutions as stakeholders for the interests of child protection in providing optimal services for the child, his family and other communities



- e. By providing inputs in the formulation of policies for child protection
 - f. As well as producing a practice model in handling multidisciplinary child cases in child protection based on evidence in the existing field.
- Not only the objectives but also have principles that are carried out in handling cases in children, including:
- a. Do not do things that can be harmful to children
 - b. Handling must be friendly and centered on the child
 - c. Can maintain confidentiality
 - d. By ensuring accountability
 - e. Getting approval
 - f. Can comply with ethical standards
 - g. Empowering children and families
 - h. Coordination and cooperation

F. CONCLUSION

The underlying factors that cause children to be vulnerable to becoming victims of sexual violence are lack of supervision from parents, lack of community concern, and curing a deterrent effect for perpetrators. The protection provided to vulnerable children as victims of sexual violence has been regulated in Law Number. 31 of 2014 On the protection of Witnesses and Koeban contained in article 5 that victims have their rights as victims. As well as efforts that can be made to prevent children from becoming victims of sexual violence, an institution is needed to understand the policies for child safety. As well as having the best goals for the child.

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