



FULFILLING THE RIGHTS OF CHILD VICTIMS OF SEXUAL VIOLENCE IN THE CRIMINAL JUSTICE SYSTEM IN INDONESIA

Liza Agnesta Krisna
Universitas Samudra, Aceh, Indonesia
agnes_krisna@unsam.ac.id

Wilsa Wilsa
Universitas Samudra, Aceh, Indonesia
wilsa@unsam.ac.id

Andi Rachmad
Universitas Samudra, Aceh, Indonesia
andirachmad@unsam.ac.id

Hanri Aldino
Universitas Samudra, Aceh, Indonesia
hanrialdino@unsam.ac.id

Vivi Hayati
Universitas Samudra, Aceh, Indonesia
vivihayatishmh@gmail.com

Zuleha Zuleha
Universitas Samudra, Aceh, Indonesia
zuleha@unsam.ac.id

Lola G. Nazarova
Turin Polytechnic University in Tashkent, Tashkent, Uzbekistan
l.nazarova@polito.uz

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Legal protection for children who are victims of sexual crimes is an essential aspect of the criminal justice system. This research examines the concept of legal protection for child victims of sexual crimes in Indonesia, focusing on both positive and progressive legal aspects. The study aims to understand the implementation of legal protection concepts for child victims of sexual crimes within the framework of positive law, as well as to explore the impact and effectiveness of progressive law in the same context. The research methodology adopts a descriptive normative approach, utilizing both primary and secondary legal sources. Normative analysis involves identifying relevant laws and regulations, such as Law No. 13 of 2006 on Witness and Victim Protection, Law No. 11 of 2012 on Juvenile Justice System, and Law No. 12 of 2022 on Sexual Violence Crimes. Data analysis employs qualitative methods, combining literature review and field research. The findings of this research affirm that despite existing laws governing legal protection for child victims of sexual crimes, implementation remains suboptimal, with various challenges yet to be addressed. Further steps are necessary to raise awareness, strengthen law enforcement, and ensure that the rights of child victims are upheld in accordance with principles of justice and human rights.

A. INTRODUCTION

Crimes of decency, such as sexual harassment and violations of moral norms, are two forms of violations of decency which are not only a legal problem at the national level of a country, but also a global legal problem involving all countries in the world.¹ There are two main factors that can influence someone to commit this crime. The first factor comes from within the perpetrator, where the urge or motivation to commit a crime arises from factors such as heredity and mental conditions, including mental illness.² This shows that the characteristics or internal conditions of the perpetrator can be a trigger for involvement in morality crimes. The second factor is an external factor that comes from outside the perpetrator's personal self. This means that the influences that encourage someone to commit a crime can come from factors such as household conditions and the surrounding environment. Conditions within the family or certain environmental situations can play a role in shaping a person's behavior regarding crimes of morality.^{3,4}

¹ Yuni Kartika and Andi Najemi. "Kebijakan hukum perbuatan pelecehan seksual (catcalling) dalam perspektif hukum pidana." *PAMPAS: Journal of Criminal Law* 1, no. 2 (2020): 10.

² Christy AI. Aleng. "Sanksi Hukum Terhadap Pelaku Pelecehan Seksual Secara Verbal." *Lex Crimen* 9, no. 2 (2020).

³ Roy Syahputra. "Penanggulangan terhadap tindakan kekerasan seksual pada anak ditinjau dari undang-undang perlindungan anak." *Lex Crimen* 7, no. 3 (2018).

⁴ Fredi Yudiantoro. "Eksplorasi Seksual Sebagai Bentuk Kejahatan Kesusilaan Dalam Peraturan Perundang-Undangan." *Justitia Jurnal Hukum* 2, no. 1 (2018).

Children have basic rights that must be recognized and protected just like the rights of adults.⁵ However, there are still few parties who really think about and are committed to taking concrete steps to protect children's rights. Children, as physically, mentally and socially immature individuals, are vulnerable to various risks such as violence and neglect.⁶ The impact of violence on children can be clearly seen, including children becoming negative and aggressive, easily frustrated, and some becoming very passive and apathetic.⁷ Violence can also cause children to lose their identity and personality and only do things to fulfill their parents' wishes without building their own character. Additionally, other impacts involve a low sense of self-esteem and difficulty in building social relationships with others. Protecting children's rights is not only a moral obligation, but also a necessity to ensure that future generations can develop positively and healthily.⁸

Sexual crimes are always related to bodily interactions and the existence of progressive laws does not arise without fundamental reasons. Progressive law is not just an ordinary legal product but the result of a continuous process in the pursuit of justice and truth. There is dissatisfaction in society regarding the quality of law enforcement which is the basis for the birth of progressive law.⁹ This concept seems to be looking for its own identity, derived from a deep understanding of the empirical reality regarding the function of law in society.¹⁰ The existence of progressive law basically represents an effort to understand and overcome the complex challenges that arise in handling sexual crimes.¹¹ In this case, progressive law not only pursues formal justice but also seeks to respond and adapt to ever-changing social dynamics. Therefore,

⁵ Desi Somaliagustina and Dian Cita Sari. "Kekerasan seksual pada anak dalam perspektif hak asasi manusia." *Psychopolytan: Jurnal Psikologi* 1, no. 2 (2018): 125.

⁶ Sevcan Karataş. "An Evaluation for Children Dragged into Crime and Children Victims of Crime." *Psikiyatride Guncel Yaklasimlar* 12, no. 4 (2020): 580.

⁷ Sigma Febby Annisa. "Children as Victims of Sexual Abuse: Has the Law Provided Enough Justice?." *The Indonesian Journal of International Clinical Legal Education* 2, no. 4 (2020): 440.

⁸ Sigma Febby Annisa. "A Legal Protection of Children as Victims of Sexual Human Right Accidents." *Jurnal Scientia Indonesia* 5, no. 2 (2019): 137.

⁹ Hardanti Widya Khasna. "Criminal Enforcement for Children in Progressive Studies." *IJCLS (Indonesian Journal of Criminal Law Studies)* 3, no. 1 (2018): 40.

¹⁰ The conceptual framework of progressive law refers to an approach to the formation and application of law that emphasizes adaptation to social change, societal values, and the demands of justice. The importance of progressive law lies in its ability to respond to complex challenges in an ever-changing society, as well as to ensure that the law remains relevant and effective in protecting individual rights and upholding justice. Currently, progressive legal developments are characterized by efforts to expand the scope of human rights protection, improve access to justice, and respond proactively to growing social issues, such as sexual crimes, discrimination, and inequality. This involves collaboration between legislators, law enforcement, human rights activists, and civil society in identifying and addressing existing inequities in the legal system.

¹¹ Rosania Paradiáz and Eko Soponyono. "Perlindungan hukum terhadap korban pelecehan seksual." *Jurnal Pembangunan Hukum Indonesia* 4, no. 1 (2022): 65.

progressive law is not static but continues to develop to find better solutions in protecting victims and upholding justice. Progressive laws not only keep up with current trends, but are also open to innovation and improvement in an effort to protect crime victims and ensure justice. This emphasizes that the legal system must always be ready to adapt to current developments and find more effective solutions in dealing with various challenges faced by society.

In addition, progressive laws not only reflect a desire to face the challenge of sexual crimes, but also indicate dissatisfaction with the performance of law enforcement agencies which are considered inadequate in dealing with this problem. Therefore, progressive law is implemented as an innovative step to overcome the weaknesses of conventional law.¹² This approach involves adapting to changing social norms so as to provide more effective protection for victims of sexual crimes. By focusing on improving the system and being responsive to societal developments, progressive law is a very important tool in upholding justice and creating a safer and fairer environment for all of society.¹³

This research emerged because of problems regarding the interpretation of the concept of legal protection for victims of child sexual crimes within the legal framework. Apart from that, this research also explores the extent to which law enforcement against victims of child sexual crimes is carried out in Indonesia and how legal developments related to the protection of victims of child sexual crimes can be understood through a progressive legal lens. With this aim, this research will investigate and document the understanding and implementation of the concept of legal protection which has been officially recognized in regulations and laws. In addition, this research explore progressive legal concepts that are applied to build a legal basis that is more effective and responsive to the protection of child sexual crime victims. The novelty of this research lies in its focus on exploring the interpretation and implementation of legal protection for victims of child sexual crimes within the Indonesian legal framework through the lens of progressive legal concepts. This research is essential due to the persistent problems surrounding the interpretation and enforcement of laws concerning child sexual crimes in Indonesia. By examining the intersection of legal provisions, law enforcement practices, and progressive legal concepts, this research seeks to offer new insights into how legal protections for victims of child sexual crimes can be strengthened and improved within the Indonesian context. Additionally, this research aims to document the understanding and implementation of legal

¹² Syinta Amelia. "Progressive Legal Approach to Modern Community Law Enforcement in Indonesia," *Pancasila and Law Review* 4, no. 1 (2023): 10.

¹³ Jaka Susila. "Monodualistik Penanganan Tindak Pidana Pelecehan Seksual Perspektif Pembaharuan Hukum Acara Pidana Indonesia." *Al-Ahkam Jurnal Ilmu Syari'ah dan Hukum* 4, no. 2 (2019).

protections in light of evolving legal frameworks and societal needs, thereby contributing to the ongoing discourse on enhancing the legal protection of vulnerable individuals within the criminal justice system.

B. RESEARCH METHODS

This research aims to provide comprehensive insights into the effectiveness of progressive laws in the context of protecting child victims of sexual crimes in Indonesia. This research utilizes a normative approach by identifying law as norms or regulations, particularly statutes. Its nature is descriptive, with the aim of observing legal operations in the practical context of society. The primary data sources come from primary and secondary legal materials. Primary legal materials allow for the evaluation of the effectiveness of statutes, while secondary legal materials provide additional context and interpretation. Some of the legal materials used in this research include the 1945 Constitution, Law Number 13 of 2006 concerning Witness and Victim Protection, Law Number 11 of 2012 concerning the Juvenile Justice System, Law Number 39 of 1999 concerning Human Rights, Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Witness and Victim Protection, and Law Number 12 of 2022 concerning Sexual Violence Crimes (*Tindak Pidana Kekerasan Seksual/TPKS*). The data processing and analysis methods adopt a qualitative approach that combines literature review and field research.

C. PROGRESSIVE LEGAL FUNCTIONS

Law plays a major role as a means of protecting human interests in a society. In carrying out its functions, law has a number of objectives that lead to the creation of an orderly social order. One of the main goals of law is to maintain order and balance in social life. Through recognized regulations and norms, law plays an important role in dividing rights and obligations between individuals in society.¹⁴ This includes determining authority, regulating how to resolve legal problems, and maintaining legal certainty. Law is not only a set of rules and regulations, but also includes complex aspects such as legal structure, legal substance, legal procedures, legal life in society, and legal culture. Holistically, the legal system does not only focus on making rules alone, but also summarizes the various elements that form the legal basis of a society. Legal structure includes the organization and hierarchy of rules, legal substance relates to the legal material applied, and legal procedures involve the steps that must be followed in resolving legal problems. In addition, legal

¹⁴ Adinda Cahya Magfirah, Kurniati Kurniati, and Abd Rahman. "Kekerasan Seksual Dalam Tinjauan Hukum Islam." *Jurnal Cakrawala Ilmiah* 2, no. 6 (2023): 2588.

life in society reflects the interaction between individuals and legal norms, while legal culture includes norms, values and beliefs that shape society's view of the law.¹⁵

According to Lawrence M. Friedman,¹⁶ the legal system has main elements that are interrelated to form a framework that plays a crucial role in society's life. Legal structure includes the organization and hierarchy of legal rules. This shows how legal rules are organized and tiered, as well as how legal power is divided and regulated within a system. This structure is the basis that directs the implementation and enforcement of law in society, providing a framework for interactions between individuals and legal institutions. Furthermore, legal substance is related to the content and material of the law that is enforced. This includes substantive law that regulates rights and obligations, as well as legal norms that shape concrete policies and actions. The substance of law is the core of the regulations that guide behavior and social interactions in society. In addition, legal culture reflects the norms, values and beliefs that shape society's perspective on the law.¹⁷ Legal culture is an important factor that influences how the law is interpreted, respected, or absorbed by members of society.¹⁸

The main function of law is to regulate order, which is a basic condition for the existence of a society. The need for order is considered an objective fact and need that is essential for every human community. The main purpose of the existence of law is to realize justice. Law exists or is established with the aim of regulating and creating balance and harmonization between various human interests. These three goals are often expressed separately, but are considered as a process that mutually determines each other, including certainty, order, order and justice.¹⁹ Order is considered impossible to exist without certainty, because people cannot possibly question justice in the context of disorder. In carrying out its function as protection of human interests, law has concrete goals. In another sense, law also has tasks that involve the distribution of rights and obligations between individuals in society, determining authority, regulating methods for resolving legal problems, and maintaining legal certainty.

The idea of progressive law emerged as a response to concerns about the quality of law enforcement in Indonesia, especially after the reforms in

¹⁵ Noor Rahmad and Wildan Hafis. "Hukum Progresif dan Relevansinya Pada Penalaran Hukum di Indonesia." *El-Ahli: Jurnal Hukum Keluarga Islam* 1, no. 2 (2020): 35.

¹⁶ Lawrence M. Friedman. *Legal Culture and the Legal Profession* (London: Routledge, 2021).

¹⁷ M. Yasin Al Arif. "Penegakan Hukum dalam Perspektif Hukum Progresif." *Undang: Jurnal Hukum* 2, no. 1 (2019): 172.

¹⁸ Hamidah Abdurrachman et al., "Application of Ultimum Remedium Principles in Progressive Law Perspective," *International Journal of Criminology and Sociology* 10, (2021): 1018.

¹⁹ Imron Rosyadi and Syamsul Fatoni. "Pemidanaan Terhadap Pelaku Kekerasan Seksual Dalam Perspektif Sistem Peradilan Pidana." *Jurnal Yudisial* 15, no. 3 (2022): 339.

mid-1997.²⁰ During this period, there was a feeling of inconsistency between the ideal function of law, which should participate in solving social problems, and the reality of what was happening in Indonesia. This condition creates a mismatch between ideal expectations and the reality experienced by society today.²¹ Additionally, progressive legal ideas emphasize that law does not exist for its own sake. On the contrary, law should serve something broader and greater, namely the needs and aspirations of society. Criticism of legal theories which lay the foundation on law as an absolute and autonomous entity is growing. The more a legal theory turns to human factors, the more it is emphasized that law must be an instrument that is responsive to the needs and aspirations of society. Therefore, the idea of progressive law reflects the drive to develop legal theories that are more humane and able to provide better solutions to societal problems.²²

D. VICTIMS OF SEXUAL CRIMES IN THE CRIMINAL JUSTICE SYSTEM

The definition of a victim as referred to in Article 1 number (2) of Law Number 13 of 2006 concerning Witness and Victim Protection is a person who experiences physical, psychological, or economic suffering caused by a criminal act.²³ Victims of criminal acts often feel disappointed with legal administration practices that tend to consider and protect the rights of suspects, while the rights of victims are often neglected. Legal practices that pay less attention to the rights of victims can lead to imbalances in the justice system, where victims often feel they do not receive the fair justice they deserve. It is important to balance treatment of victims and suspects in the legal process to ensure that the rights of all parties are protected fairly.²⁴

Child victims of sexual violence have rights guaranteed by Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, as well as Law Number 12 of 2022 concerning Sexual Violence Crimes (TPKS). Some rights granted to child victims of sexual violence include the right to protection, support, recovery, and rehabilitation in accordance with

²⁰ Satjipto Rahardjo. "Pembangunan Hukum Di Indonesia Dalam Konteks Global." *Perspektif 2*, no. 2 (1997): 7.

²¹ Mukhamad Luthfan Setiaji and Aminullah Ibrahim. "Kajian Hak Asasi Manusia dalam Negara the Rule of Law: Antara Hukum Progresif dan Hukum Positif." *Lex Scientia Law Review 2*, no. 2 (2018): 130.

²² Alimuddin Alimuddin, Nasution Nasution, and Firzhal Arzhi Jiwantara. "Rendahnya Perlindungan Hukum terhadap Korban Kekerasan Anak Penyebab Meningkatnya Kasus Kekerasan Seksual." *JIIP-Jurnal Ilmiah Ilmu Pendidikan 5*, no. 7 (2022): 2189.

²³ Desi Puspita Sari et al., "Perlindungan Hukum Bagi Korban Pelecehan Seksual Menurut Prespektif Undang-Undang Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual." *Al-Qisth Law Review 7*, no. 1 (2023): 70.

²⁴ Hasnuddin Muhammad. "Implikasi Yuridis Pengaturan Hak Korban Tindak Pidana Kekerasan Seksual Dalam Undang-Undang Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual." *Jurnal Surya Kencana Dua: Dinamika Masalah Hukum Dan Keadilan 9*, no. 1 (2022): 8.

the best interests of the child.²⁵ Additionally, victims also have the right to access appropriate physical and mental health services, including emergency medical services, counseling, and psychological therapy. The right to receive clear and adequate information about the legal process and the right to be protected from demeaning treatment are also included in the rights of child victims of sexual violence.²⁶

Furthermore, the fulfillment of responsive victim rights should be based on principles of justice, diversity, and humanity. Responsiveness in this context refers to an approach that is sensitive to the needs and experiences of victims, providing adequate attention to their aspirations, desires, and needs.²⁷ In the implementation of Law Number 35 of 2014 and Law Number 12 of 2022, the justice system must be able to effectively respond to the needs of child victims of sexual violence by providing easy and fair access to the legal process, as well as offering comprehensive rehabilitation and support services.²⁸ This also includes educational and preventive aspects aimed at reducing the risk of child sexual violence in the future. Thus, responsive victim rights fulfillment not only means meeting the needs of individual victims but also involves efforts to create a safer and supportive environment for children in society.²⁹

General assurances in juvenile justice encompass procedural rights that are fundamental, providing protection and fairness to children who are victims of crimes. Children have the right to be informed of the charges they face to understand the case and actively participate in the judicial process. Children or victims also have the right to remain silent, meaning they cannot be forced to provide information or confessions that may harm themselves.³⁰ Additionally, children have the right to legal advice that can provide guidance and protection during the judicial process. The presence of parents or guardians during the judicial process is also a child's right to create a supportive environment. The right to meet witnesses and undergo cross-examination of witnesses is also important to ensure transparency and fairness

²⁵ Evan Ferdiyan Rachmanto. "Legal Protection for Children as Victims of Violence." *Journal of Law and Legal Reform* 2, no. 4 (2021): 519.

²⁶ Iin Karita Sakharina and Aidir Amin Daud. "Abolition of Child Marriage Practices in Indonesia According to the United Nations Convention on the Rights of the Child." *Scholars International Journal of Law, Crime and Justice* (2020).

²⁷ Fakhruddin Razy. "Protection of Appointed Children's Rights According to Law Number 35 of 2014 Concerning Child Protection." *International Journal of Law and Public Policy (IJLAPP)* 5, no. 1 (2023): 4.

²⁸ Siti Romlah, Salma Zavira, and Khansa Muafa. "Implementation of progressive legal theory in law enforcement in Indonesia." *Journal La Sociale* 1, no. 6 (2020): 26.

²⁹ Izza Aliyatul Millah and Pujiyono Pujiyono. "The children rights protection in the new normal era: an Indonesia experience during covid-19 pandemi." *Legality: Jurnal Ilmiah Hukum* 28, no. 2 (2020): 214.

³⁰ Puti Hidayat. "Analisis Hukum Perlindungan Perkawinan Anak Di Bawah Umur." *Yustitia* 6, no. 2 (2020): 170.

in the judicial process.³¹ Children also have the right to appeal to higher levels to correct or appeal decisions deemed unfair. In the context of a restorative justice approach, the juvenile criminal justice system emphasizes diversion, which is the possibility for judges to halt or divert the juvenile justice process from court to other alternatives that support the rehabilitation and recovery of children. This reflects a more humane approach to handling child victims in the criminal justice system.³²

E. LEGAL PROTECTION OF CHILD VICTIMS OF SEXUAL CRIMES

Legal protection for children, as regulated in Law Number 39 of 1999 concerning Human Rights, is a collective effort of individuals, the government, and private institutions to ensure the safety, control, and fulfillment of the well-being of life in accordance with the human rights of every individual. This protection focuses on the freedom of human rights and basic principles, with the aim of creating a fair and safe environment for all citizens.³³ Referring to Legal Protection Theory, child protection is defined as efforts to create situations and conditions that enable the realization of children's rights and duties in a humane manner.³⁴ In the context of child protection, this includes safeguarding various freedoms and rights of children, as well as ensuring their well-being. At the national level, Indonesia's constitution, particularly the preamble of the 1945 Constitution and Chapter XA on Human Rights, reflects a commitment to child protection. Article 28B paragraph (2) of the 1945 Constitution asserts that every child has the right to survival, growth, and protection from violence and discrimination.³⁵

A positive legal outlook on the protection of child victims of sexual crimes is reflected in Law Number 13 of 2006 concerning Witness and Victim Protection. Law Number 13 of 2006 has a crucial role in ensuring justice and protecting the rights of individuals involved in legal processes in Indonesia. This law provides a legal basis for protecting child victims of sexual crimes, recognizing their rights, and establishing protection mechanisms to be

³¹ Hana Fairuz Mestika. "Juridical Review of Legal Protection of Children from Violence Based on Law Number 35 of 2014 concerning Child Protection (Case Study in Purwokerto)." *The Digest: Journal of Jurisprudence and Legisprudence* 3, no. 2 (2022): 150.

³² Erny Herlin Setyorini et al., "The Formulation Policy for the Regulation on the Implementation of Diversion which Reflects the Principles of Protection and Welfare for Children Conflicting against the Law in the Future." *Journal of Law Policy & Globalization* 32 (2014): 73.

³³ Sigma Febby Annisa. "Children as Victims of Sexual Abuse, (2020): 440.

³⁴ David Libai, "The Protection on the Child Victim of a Sexual Offense in the Criminal Justice System." *Wayne Law Rev.* 15, (1968): 977.

³⁵ Hambali Talib, Mulyati Pawennei, and Muhammad Rinaldy Bima. "The Nature Of Legal Protection For Child Victims Of Sexual Violence," *Journal of Namibian Studies: History Politics Culture* 35 (2023): 580.

implemented by relevant institutions and legal authorities.³⁶ The age of a child in the legal context is regulated by Law Number 11 of 2012 concerning the Juvenile Justice System, and special protection for victims of sexual crimes is stipulated in Article 69 letter A of Law No. 35 of 2014. Article 69 letter A of Law Number 35 of 2014 regulates that the State, Government and Regional Government guarantee children. Additionally, efforts that can be made for the protection of child victims of sexual crimes are also regulated in Article 59 paragraph 2 letter J of Law Number 35 of 2014. Article 59 paragraph (1) and paragraph (2) letter j of Law Number 35 of 2014 regulates that the government, regional government and other state institutions are obliged and responsible for providing special protection to children, one of which is given to child victims of sexual crimes.³⁷ This emphasizes the importance of protecting children who are victims of sexual violence and ensuring they receive protection in accordance with their rights.³⁸ This law aims to ensure that children who experience sexual violence receive the special attention and assistance needed so that they can recover physically, psychologically and socially. This protection also aims to prevent child victims of sexual crimes from experiencing worse impacts in the future.³⁹ This indicates a serious concern from the law in protecting children from sexual crimes and providing them with adequate legal protection.⁴⁰

Human rights are considered fundamental rights of every individual throughout life and even after. These rights are deemed irrevocable arbitrarily without clear and proper legal basis. Protection for individual victims and society must be based on arguments of social contract and arguments of social solidarity. This means the state has an obligation to provide protection based on social agreement and societal solidarity.⁴¹ In striving to achieve these goals, the implementation of protection must not deviate from the fundamental principles enshrined in the Convention on the Rights of the Child and must consider cultural values. These principles serve as crucial foundations in ensuring that every action of child protection is directed towards fulfilling their rights and aligns with the prevailing cultural values.

³⁶ Rini Angriani, Syawal Abdulajid, and Suwarti Suwarti. "Legal Analysis of Children as Victims of Sexual Violence." *Journal of Social Science* 4, no. 2 (2023): 384.

³⁷ Arfah Tjolleng and Muhammad Fachri Said. "Protection of Human Rights for Minors Against Acts of Sexual Abuse." *Alauddin Law Development Journal* 6, no. 1: 182.

³⁸ Iwan Setiawan. "Tindak Pidana Perkosaan Dalam Tinjauan Hukum Pidana Indonesia." *Jurnal Ilmiah Galuh Justisi* 6, no. 2 (2018): 230.

³⁹ Eko Hartoyo, Widayati Widayati, and Ira Alia Maerani. "The Law Enforcement in Judges' Decisions based on Progressive Law." *Law Development Journal* 4, no. 1: 85.

⁴⁰ Chepi Ali Firman Zakaria, Ade Mahmud, and Aji Mulyana. "Legal Protection for Child Victims of Sexual Assault in a Restorative Justice Perspective." *Jurnal Penelitian Hukum de Jure* 23, no. 1 (2023): 63.

⁴¹ Natasha Knack et al., "Primary and secondary prevention of child sexual abuse." *International review of psychiatry* 31, no. 2 (2019): 187.

The issue of children is not something that can be taken lightly, as children are the future generations of the nation and the state. The importance of providing services to child victims of crime is emphasized by Briggs,⁴² outlines several supportive factors, such as the desire to provide fair treatment and improve the well-being of children, the existence of supportive welfare laws, and the availability of facilities to implement these services. The obligation to ensure, maintain, and protect the interests of children is the responsibility of the previous generations. Preserving, ensuring, and safeguarding these interests should be the primary focus, especially by families, which constitute the child's first environment.

The provision of legal protection for children as victims has been regulated in Law No. 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection. Article 64 paragraph (3) of Law No. 35 of 2014 provides several forms of protection for children as victims of crime. Children as victims have the right to rehabilitation, both institutionally and non-institutionally. Additionally, efforts are made to protect and conceal their identities through mass media to avoid labeling that may harm the child.⁴³ Furthermore, children as victims are ensured safety both as victim witnesses and expert witnesses, both physically, mentally, and socially. Children as victims also have the right to access information about the progress of cases involving them. Although not yet optimal, these protection efforts reflect legal efforts to provide rights and security for child victims of crime in accordance with applicable laws and regulations.

F. CONCLUSION

This research highlights the importance of legal protection for children who are victims of sexual crimes within the criminal justice system in Indonesia. By analyzing laws and regulations such as Law Number 13 of 2006 concerning Witness and Victim Protection, Law Number 11 of 2012 concerning the Juvenile Justice System, Law Number 39 of 1999 concerning Human Rights, Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Witness and Victim Protection, and Law Number 12 of 2022 concerning Sexual Violence Crimes (*Tindak Pidana Kekerasan Seksual/TPKS*), as well as progressive legal concepts and legal protection theories, this study asserts that children as victims have rights that must be effectively guaranteed and protected. The

⁴² Freda Briggs, *From victim to offender: How child sexual abuse victims become offenders*, (London: Routledge, 2020).

⁴³ Ni. Putu Rai Yuliantini and Dewa Gede Sudika Mangku. "Perlindungan hukum terhadap anak korban kekerasan seksual." *Jurnal Ilmiah Pendidikan Pancasila dan Kewarganegaraan* 6, no. 2 (2021): 346.

laws governing witness and victim protection, as well as amendments to laws establishing specific rights for child victims of sexual crimes, are positive steps towards achieving better protection. However, this research also highlights that the implementation of such protection has not yet reached optimal levels and there are still challenges in ensuring the comprehensive rights of child victims. Therefore, further efforts are needed to raise awareness, implement laws more effectively, and ensure that children who are victims of sexual crimes receive adequate protection in line with principles of justice, humanity, and human rights.

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