

Effectiveness of Child Protection Laws in Cases of Sexual Abuse of Minors

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ABSTRACT

Keywords: child protection law; sexual abuse; implementation.

Sexual abuse of minors is a serious problem that affects children's physical, psychological, and social development. The Child Protection Law in Indonesia, which is regulated in Law No. 35 of 2014, aims to protect children from violence, including sexual abuse. However, the implementation of this law still faces various challenges, both in terms of understanding law enforcement officials and obstacles in legal procedures that are not child-friendly. This study aims to analyze the effectiveness of the implementation of the Child Protection Law in handling cases of sexual abuse of minors in Indonesia. The research method used is a normative legal research method, which focuses on laws and regulations, literature, and documents related to child protection. The results show that although this law provides a clear legal basis, the main challenges lie in the lack of understanding of law enforcement officials, legal procedures that are not sensitive to victims, and lack of coordination between related agencies. In conclusion, to increase the effectiveness of law implementation, it is necessary to conduct training for law enforcement officials, improve coordination between institutions, and empower communities and educational institutions. With these steps, it is hoped that the protection of children can be more optimal.



Introduction

Child protection in Indonesia is very crucial considering the vulnerability of children to various forms of exploitation and violence, including sexual violence. Sexual violence against children, especially those committed against minors, is a type of crime that has a long-term impact both physically, psychologically, and socially (Rahmatullah & Marista, 2023). In Indonesia, several laws have been drafted to protect children who are victims of sexual violence, one of which is Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection. Although there are various child protection policies, the facts on the ground

show that cases of sexual abuse of minors are still frequent, and the number is even increasing (Efrinaldi, Jayusman, & Yenis, 2023).

Cases of sexual violence against minors, especially in recent years, show alarming numbers. Based on data reported by the Indonesian Child Protection Commission (KPAI), from 2018 to 2020, there were thousands of cases of sexual abuse of children recorded in Indonesia. In the report, many of these cases involve perpetrators close to the victim, such as family members or people trusted by the victim and his family (Madrah, Riansyah, Alamsyah, & Fatmawati, 2022). This indicates that the protection of children does not only depend on the existence of governing laws, but also on strengthening education, public awareness, and supervision of the family and social environment (Ernawati, Abdullah, & Subhan, 2023).

In this context, the existence of the Child Protection Law is very important to provide a legal basis for handling cases of sexual violence against children (Priasmoro, Firmansyah, Afifah, Setyorini, & Meiyurtaningsih, 2022). This law guarantees the protection of children's rights which includes the right to live, grow, develop, participate, and get protection from all forms of violence, discrimination, and exploitation. However, even though there is a clear legal basis, the implementation of the law often encounters various obstacles in the field, both in terms of less firm law enforcement, low public awareness, and the unpreparedness of the legal system in handling cases of sexual abuse of minors (Farida, Wijaningsih, & Natalis, 2024).

One of the biggest challenges in handling cases of sexual violence against children is the difficulty in the evidentiary process, especially considering that children as victims often experience psychological trauma that prevents them from giving clear and complete testimony (Gunawan, Haque, Rahma, & Andrian, 2022). In addition, children often do not have a sufficient understanding of their rights and have difficulty expressing their adverse experiences, which can be an obstacle to the legal process. This situation requires a sensitive approach to children, both in the process of investigation, and examination and in court (Pratamawaty, Dewi, & Limilia, 2021). In addition, the unpreparedness of law enforcement officials in handling cases of sexual abuse against children, such as the lack of training in interacting with children victims of violence, has also worsened the effectiveness of the protection provided by the law.

In this law, sexual abuse of children is described as an act that violates the rights of children and can be subject to severe criminal penalties. Articles regulating child protection in the case of sexual violence emphasize the importance of victim protection as well as adequate legal processes to ensure that perpetrators are punished fairly. However, the application of strict punishment alone is not enough to provide the expected deterrent effect. More comprehensive efforts are needed, such as early prevention, education to the community, and family participation in protecting children from potential sexual violence.

In addition, the existence of recent policies, such as Law No. 17 of 2016 concerning the Stipulation of Government Regulations instead of Law on Amendments to Law No. 23 of 2002 concerning Child Protection which adds criminal sanctions for perpetrators of

sexual crimes against children, especially for perpetrators who repeat their acts (recidivists), shows that there is serious concern from the government in handling cases of sexual violence against children. The regulation also states that perpetrators of sexual crimes against children can be sentenced to longer prison terms and larger fines. However, despite the strong threat posed by the law, the implementation of these penalties is often hampered by problems in the justice system, including uncertainty in the applicable legal procedures (Kosvianti, Susanti, Purnomo, & Suhadi, 2020).

As a country that upholds human rights, Indonesia must also ensure that existing laws are not only a symbol of protection, but can also be effectively applied in practice. Therefore, in addition to strengthening law enforcement institutions, it is also necessary to pay attention to the aspect of public education about the importance of child protection, as well as how to protect children from potential sexual violence (Prastiwi, Wahyudi, & Famelasari, 2019). Preventive efforts through healthy and appropriate sex education from an early age, as well as psychological assistance for children victims of sexual abuse, must also be part of a more holistic approach to addressing this issue (Firdaus & Regieri, 2022).

Additionally, it is important to note that most perpetrators of sexual violence against minors are people close to the child, such as family members or other close ones. Therefore, the role of the family in preventing sexual violence is very important. Education on the importance of maintaining personal boundaries and an introduction to children's rights should also be provided to each individual from an early age. The involvement of all parties, both the government, the community, and families, is crucial in creating a safe environment for children.

Overall, although the Child Protection Law provides a strong legal basis for protecting children from sexual violence, including minors, there are still many challenges faced in implementing it effectively. The effectiveness of this law depends on many factors, ranging from a child-friendly justice system, training for law enforcement officials, and public awareness, to support for victims in the recovery process. Therefore, there is a need for continuous evaluation of the implementation of this law, as well as the strengthening of the child protection system as a whole to create real changes in reducing sexual violence against minors.

Method

The normative law research method is a research approach that focuses on the analysis of applicable legal norms, both in the form of laws and regulations, doctrines, and jurisprudence. In this study, the researcher will examine various written legal sources to understand and assess the consistency, suitability, and application of law in a certain legal case or problem.

Results and Discussion

The Role of Law Enforcement Officials in Implementing the Child Protection Law in Sexual Abuse Cases

Sexual abuse of minors is one of the most worrying forms of violence in society. Its very wide impact, not only on the physical but also on the psychological and social of children, makes it a very important issue to get serious attention from the government, the community, and law enforcement officials. In Indonesia, the protection of children who are victims of sexual violence is regulated in Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection. The law provides broader protections for children, including provisions on the rights of children who are victims of sexual violence. However, the effectiveness of the implementation of the law is highly dependent on the role of law enforcement officials, consisting of the police, prosecutor's office, and courts in enforcing and applying the law appropriately.

Law enforcement officials have a very important role in handling cases of sexual abuse of children. As the frontline of the justice system, they are responsible for ensuring that children's rights as victims are protected, that legal proceedings run fairly and that perpetrators receive appropriate sanctions. In the implementation of the Child Protection Law, law enforcement officials not only play a role in the formal aspect of law enforcement but also in providing protection and assistance to victims, so that they are not increasingly traumatized during the legal process.

The police as the first law enforcement officer who usually interacts with victims of child sexual violence play a very strategic role in the investigation and investigation process. One of the main tasks of the police is to receive reports from victims or parties who report the occurrence of criminal acts, conduct investigations into the case, and collect the necessary evidence to ensure that the perpetrators can be identified and processed by applicable law. In this case, the police need to have special knowledge and skills in dealing with children victims of sexual violence, because the legal process against children requires a different approach compared to criminal cases in general.

The process of investigating and examining children who are victims of sexual violence requires special skills, considering that children often experience deep psychological trauma. Therefore, investigators need to be trained to take a sensitive and child-friendly approach, avoiding the use of interrogation techniques that can worsen the victim's condition. In addition, the police must coordinate with various relevant institutions, such as psychological institutions or child counselors, to ensure that the child receives the necessary support during the legal process.

In addition, the Child Protection Law regulates special protection procedures for children who are victims of violence, which includes the protection of children's identities, the use of child-friendly spaces in examinations, and the need to involve legal companions or social companions during the investigation process. In this context, the police must comply with these provisions to provide maximum protection for children.

After the investigation process is completed and the case is submitted to the prosecutor's office, the prosecutor has an important role in preparing the case for trial in

court. The prosecutor's task is to draft an indictment and present evidence that has been collected by investigators, as well as provide convincing arguments before a panel of judges to ensure that perpetrators of sexual crimes against children can be punished by applicable law. In this case, prosecutors must ensure that every step in the legal process pays attention to the interests of the child as a victim, as well as complies with the provisions of the law governing the protection of children in the criminal justice system.

One of the challenges faced by the prosecutor's office is in terms of proof in child sexual abuse cases because often victims are unable to give clear testimony or have difficulty revealing what happened. Therefore, prosecutors need to rely on other evidence that can support the case, such as the results of medical examinations, electronic evidence, or witnesses who can provide relevant information. The success of prosecutors in prosecuting child sexual abuse cases depends heavily on their ability to utilize all available evidence, as well as present the case in a way that can convince the judge of the perpetrator's guilt.

The court has a very important role in providing justice for children as victims, by ensuring that the legal process runs fairly and transparently. In this case, judges must comply with the child protection principles contained in the Child Protection Act, which include the use of child-sensitive procedures and keeping the child from further exposure to trauma resulting from the court proceedings. The court must also consider the rights of child victims in every decision taken, as well as provide punishments that can have a deterrent effect for perpetrators of sexual violence against children.

One of the things that needs to be considered by the court is the fulfillment of the child's right to be accompanied by a parent or legal companion during the trial process. The court must guarantee that no action can harm or worsen the psychological condition of the victim's child during the legal process. In cases of sexual violence, the court also often uses psychologists to assess the psychological impact experienced by the child, so that it can be considered in the decision to punish the perpetrator.

Although the Child Protection Law has provided a strong legal basis for handling cases of sexual abuse of children, there are several obstacles faced by law enforcement officials in implementing this regulation. One of the main obstacles is the lack of training and capacity of law enforcement officials to handle cases involving children as victims. Handling child sexual abuse cases requires a sensitive approach and special skills, which are often inadequate among law enforcement officers.

In addition, the existence of social and cultural pressures that make victims or victims' families reluctant to report cases of sexual violence is also one of the challenges. Some victims may feel ashamed or afraid of the social stigma they will face if they report their cases. This causes the law enforcement process to be hampered and the difficulty for law enforcement officials to disclose cases of sexual violence that occur.

The Effectiveness of the Implementation of the Child Protection Law in Handling Cases of Sexual Abuse of Minors in Indonesia

Sexual abuse of minors is a serious crime that damages children's lives physically, emotionally, and psychologically. Cases of sexual abuse of children not only have an

impact on the victim but also the family and society as a whole. Therefore, the state must protect children, by the principles of human rights and international conventions that state that children have the right to live, develop, and be protected from all forms of violence. In Indonesia, the protection of children, including the handling of sexual abuse cases, is regulated in Law Number 35 of 2014 concerning Child Protection which is an amendment to Law Number 23 of 2002. Although these laws provide a clear legal basis for protecting children from sexual abuse, their implementation in practice often faces a variety of challenges that affect their effectiveness in handling such cases.

The Child Protection Law, which was passed in 2002 and updated in 2014, is designed to provide comprehensive protection for children in Indonesia. In it, various provisions regulate the protection of children from violence, including sexual abuse, sexual exploitation, child trafficking, and various other forms of violence. One of the main objectives of this law is to ensure that children who are victims of violence get their rights to be treated with respect, receive protection from the state, and receive adequate physical and psychological rehabilitation.

In the context of cases of sexual abuse of children, this law includes provisions on the protection of witnesses and victims, the use of child-friendly procedures in legal proceedings, as well as provisions on harsher penalties for perpetrators of sexual violence against children. For example, punishment for child sexual abuse can be a longer prison sentence, as well as additional punishments that can include restrictions on freedom or even rehabilitation.

However, despite a clear legal framework, the effective implementation of the Child Protection Law in handling child sexual abuse cases still often encounters various obstacles in the field.

One of the main challenges faced in the implementation of the Child Protection Law is the lack of adequate understanding from law enforcement officials regarding the importance of child protection in the legal process. Cases of child sexual abuse often involve deep psychological trauma for the victim, so the ongoing legal process must take into account the special needs of the child. However, in many areas, law enforcement officials, including police, prosecutors, and judges, still lack special training on how to handle cases involving children as victims. This leads to insensitive handling of the case, and the ongoing legal process often worsens the psychological state of the child.

In addition, legal procedures that are often complicated and take a long time are also obstacles to the implementation of this law. Children as victims often have to go through various stages of examination that are not child-friendly and can add to the traumatic feeling they experience. Many cases involving children as victims of sexual violence are neglected or hampered in the investigation stage due to a lack of strong evidence or the inability of law enforcement officials to present relevant evidence. In addition, the lack of coordination between relevant institutions in handling cases of sexual abuse of children, such as the police, prosecutor's office, child protection institutions, and other social institutions, is also a significant obstacle in handling this case comprehensively.

In addition to law enforcement officials, the community also has a very important role in implementing the Child Protection Law. Education about children's rights, especially related to protection from sexual violence, needs to be instilled in the community from an early age. The number of cases of sexual abuse of minors cannot be separated from the public's ignorance of children's rights and the importance of reporting cases of violence that occur. The community should be empowered to be more sensitive to the signs of sexual violence experienced by children and feel responsible for reporting such cases to the authorities.

Educational institutions also have a big role in creating a safe and child-friendly environment, as well as providing education about children's rights and the importance of protecting themselves from the threat of sexual violence. Educational curricula that include material on child protection and children's sexual rights need to be introduced more widely in schools so that children can understand how they can protect themselves and know what to do if they become victims of violence.

Conclusion

This overall discussion highlights the importance of the implementation of the Child Protection Law in handling cases of sexual abuse of minors in Indonesia. Although the law has provided a clear legal framework, major challenges still arise in the implementation process, both in terms of law enforcement officials' limited understanding of child protection, as well as obstacles in legal procedures that are not child-friendly. To increase its effectiveness, special training for law enforcement officials, increased coordination between related institutions, as well as community empowerment and education in raising awareness of children's rights are needed. In addition, the rehabilitation system for victims must also be strengthened to support their comprehensive recovery.

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