

## THE IDEAL CONCEPT OF LAW ENFORCEMENT AGAINST PERPETRATORS OF SEXUAL ABUSE OF MINORS

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### Abstract

Rofiq Ripto Himawan, 2023, Doctor of Law Study Program, Diponegoro University. "The Ideal Concept of Law Enforcement against Perpetrators of Sexual Harassment against Minors". This study aims to examine; how is the regulation of criminal acts of sexual harassment against minors based on statutory regulations? The research method used is an empirical juridical approach legislation-invitation, concept approach, as well as case studies. The results of the study show that the regulation of criminal acts of sexual abuse of minors arranged Law Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection Specifically protectionto children as victims of sexual crimes have a legal umbrella that can protect them, namely in Article 69A "Special Protection for Child victims of sexual crimes as referred to in Article 59 paragraph (2) letter j is carried out through the following efforts: a. education about reproductive health, religious values, and moral values; b. social rehabilitation; c. psychosocial assistance during treatment until recovery; and D. providing protection and assistance at every level of examination starting from investigation, prosecution, up to examination in court hearings. Legal problems in law enforcement against perpetrators of sexual abuse of minors, as follows; (1) Legal Substance; The Child Protection Law is still limited to the realm of prosecution of perpetrators of sexual violence against children, not on preventive or preventative measures. (2) Legal Construction; The legal construction in handling sexual crimes against children in the Indonesian criminal law system still tends to highlight crimes from the perpetrator's point of view. Of course, this is unbalanced if the point of view of the child as a victim is ignored. (3) the legal structure lacks coordination of law enforcement in child protection; (4) Culture (Culture): Law Culture law that developed inpublic is the handling and protection of the law after the occurrence of sexual harassment and it is also focused on retaliation against the perpetrator, paying little attention to the victim's side. (5) Legal Knowledge; Community legal knowledge about sexual crimes against children is minimal, where sexual crimes against children are generally interpreted as acts of rape. 3. The concept of future law in law enforcement against perpetrators of abuse sexual intercourse with minors, as follows; (1) Legal Substance; The Child Protection Law should also contain preventive or preventative measures. (2) Legal Construction; The legal construction in handling sexual crimes against children should examine the perspective of the child as a victim. (3) legal structure; the need for improvement in terms of law enforcement coordination in child protection; (4) Culture (Culture): Building a legal culture of the community in good preventive legal protection nor repressive (5) Legal Knowledge; Build community legal knowledge related to child protection in various fields, not only in sexual violence.

### A. INTRODUCTION

The Indonesian state is based on law (*rechstaat*) and not based on mere power (*maachsstaat*), this is found in several provisions, namely: 1) Explanation of the 1945 Constitution regarding the system of government, 2) affirmation of rejection of absolutist power, 3) the rule of law in Indonesia, 4) in line with the democratic state, 5) the power of the head of state is limited not unlimited, and 5) in the body regulates the formulation of rights Humanity.

The Indonesian state also provides legal protection to its citizens, including children. Legal protection of children is an effort to protect children to obtain and defend their rights to life, have survival, growth and development and protection in carrying out their rights and obligations. <sup>1</sup>Children's human rights are universally recognized as enshrined in the UN charter, the 1945 UN Declaration on Human Rights, the 1944 ILO Declaration in Philadelphia on the Rights of the Child, and the 1989 UN Convention on the Rights of the Child.<sup>2</sup>

Children are very vulnerable to becoming victims and perpetrators of criminal acts. Various criminal acts involving children, namely drugs, fornication, theft and even terrorism make children perpetrators and victims. Article 1 Number (2) of Law No. 35 of 2014 concerning Child Protection that: Child protection is all activities to guarantee and protect children and their rights in order to live, grow, develop, and participate, optimally in accordance with human dignity and dignity, and receive protection from violence and discrimination.

Selanjutnya Article 3 of Law No. 35 of 2014 states that child protection aims to ensure the fulfillment of children's rights in order to live, grow, develop, and participate optimally in accordance with human dignity and dignity, as well as get protection from violence and discrimination, in order to realize Indonesian children who are qualified, have noble character, and prosper. Based on the description of the article, child protection requires special attention. This is reinforced by the sound of Article 28 B paragraph (2) of the 1945 Constitution which states that: Every child has the right to survival, growth, and development and the right to protection from violence and discrimination. The issue of child protection has long been fought not only in Indonesia, but also in the world. In general, child protection is defined as an effort that establishes conditions in which each child can carry out his obligations. Children's human rights are part of human rights that are guaranteed and protected by International Law and National Law. It is universally protected in the <sup>3</sup>*Universal Declaration of Human Rights* (UDHR) and *the International on Civil and Political Rights* (ICPR).<sup>4</sup>

Children have the right to special protections, opportunities, facilities that enable them to develop healthily and reasonably in the same circumstances:<sup>5</sup>

- a. Receive social security including adequate nutrition, recreation and health services, receive education, care and special treatment if they are disabled.
- b. Grow up and be raised in an atmosphere of affection and security wherever possible under the care and responsibility of their own parents.
- c. Obtain protection both against all forms of abuse, cruelty and oppression as well as all acts that lead to discrimination.

Protection of children in accordance with the Convention on the Rights of the Child ratified by the Government of Indonesia through Presidential Decree Number 36 of 1990 which sets forth the general principles of child protection, namely non-discrimination, best interests of children, survival and development, and respect for children's participation. This principle is also contained in the provisions of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection. The government's concern for children has

been since 1979 when Law No. 4 of 1979 concerning Child Welfare, until the issuance of the Child Protection Law. The basis of legal protection<sup>6</sup> for children has been embodied in the 1945 State Constitution, namely in Chapter XA on Human Rights and stated in articles 28A to 28J.

Harassment is often perceived as deviant behavior, because it forces a person to engage in sexual intercourse or designates someone as an object of unwanted attention. Child sexual abuse can result in both short and long-term harm, including psychopathology<sup>7</sup> later. Its psychological, emotional, physical and social impacts include depression, post-traumatic stress disorder, anxiety, eating disorders, poor inferiority, personal identity disorder and anxiety; Common psychological disorders such as somatization, neuralgia, chronic pain, changes in sexual behavior, school/learning problems. Deviant sexual behavior is clearly the substance of heterosexual intercourse which is usually compulsive in nature. Therefore, sexual dysfunction and sexual deviance are common aspects of personality disorders and neurotic diseases.<sup>8</sup>

Sexual harassment is a term that emerged in America throughout the 70s following the women's movement. By the 1980s the term sexual harassment had become commonly used in the UK. As more women enter the workforce, the rate of sexual harassment increases either after the establishment of broad opportunities or because men are increasingly threatened and commit sexual harassment to keep women in their hands. Sexual harassment is perceived as bullying behavior, because it forces a person to engage in sexual intercourse or places someone as the object of unwanted sexual attention. This sexual harassment does not only occur in women but in men there can also be victims of sexual harassment. Beuvais grouped into four groups that constitute sexual harassment: men harass women, women harass men, heterosexuals harass homosexuals, and, homosexuals harass heterosexuals.<sup>9,10</sup>

The crime of decency or *moral offences* of sexual harassment or sexual harassment are two forms of violation of decency which is not only a matter of national law of a country, but is already a legal problem of all countries in the world or is a global problem. The first is a factor that originates or exists in the perpetrator with the intention that what influences someone to commit a crime arises from within the perpetrator himself based on hereditary and psychiatric factors (mental illness). The second factor is a factor that originates or exists outside the perpetrator's personal self, meaning that what influences someone to commit a crime arises from outside the perpetrator himself based on household factors, as well as technological and environmental factors.<sup>11,12</sup>

Sexual crimes are always related to the actions of the body or body parts, especially on parts that can stimulate sexual appetite. So when compared to adults, it is clear that children are more at risk of sexual abuse. The impact of sexual abuse on children includes: Children become negative and aggressive and easily frustrated, become very passive and apathetic, do not have their own personality, low self-esteem, and difficult to establish relationships with others.<sup>13</sup>

Legal protection provided by the Criminal Code for children against sexual violence is criminal responsibility for perpetrators, not responsibility for direct and concrete losses/suffering of victims, but rather focused on personal / individual responsibility.<sup>14</sup>

Sexual crimes are one of the crimes that really get special attention in child protection issues. This is clearly seen in Article 15 of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection which provides firmness so that every child has the right to protection from sexual crimes. Legal certainty needs to be pursued for the continuity of child protection activities and to prevent misappropriation that has an undesirable negative impact on the implementation of child protection. Legal protection of children can be interpreted as efforts to protect the law against various <sup>15</sup>*fundamental rights and freedoms of children* as well as various interests related to child welfare.<sup>16</sup>

In *a contratio*, if basic human rights, including the rights of the child, are violated, then what happens is that society will be less good or it can be said that the ruler does not carry out his duties properly. Legal protection of children as victims is regulated in Articles 76A to 76J which are about forms of violence that <sup>17</sup>if committed by people or groups to children will be criminalized. The problem is that the values of justice in laws and regulations are often established as positive laws that are solely derived from human reason which tends to be compromised, so in this situation there can be a risk that the norms of justice in the formulation conflict with other positive laws.<sup>18</sup>

Child protection is an effort so that the rights and obligations of a child are obtained and maintained the right to develop and grow in life in a balanced and positive manner, so that it is done fairly. With the sanctions contained in various formulations of criminal acts of violence against children in the Child Protection Law, <sup>19</sup>if applied to perpetrators who commit violence against children is considered a form of legal protection for children as victims of violence.<sup>20</sup>

Furthermore, in the case of children who are victims of sexual violence, in this case Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection provides special protection in terms of victim recovery as stipulated in Article 64A and the submission of *compensation (restitution)* to the victim directly borne to the perpetrator of sexual violence regulated in Article 71D. Conception of child protection covers a broad scope, in the sense that child protection is not only about protecting the soul and body of the child, but all rights and interests that can ensure reasonable growth and development, whether spiritually, physically or socially, so that it is hoped that Indonesian children are able and willing to work to achieve the goals of National Development.<sup>21</sup>

Based on article 23 of Law Number 35 of 2014, article 1 reads "The State, Government, and Local Government guarantee the protection, maintenance, and history of Children by taking into account the rights and obligations of Parents, Guardians, or others". Actually, in article 23 it is very clear that the state and the relevant governments also have an obligation to guarantee and pay attention to child protection. But in reality, the government tends to only move in handling child protection after there are cases of child violence raised by the mass media. After the case was widely discussed in the mass media and received criticism from various parties, then the government intervened to handle the case. In fact, both the Regional Government, the Pusa Government and the State should have the obligation to supervise the implementation of Child Protection in accordance with article 23 paragraph 2. Parents are the first to take responsibility for the realization of children's welfare both spiritually, physically and socially.

Children must be protected so that they do not become victims of criminal acts.<sup>22</sup>

Child Protection is the responsibility of parents, families, communities, governments and the state which is a series of activities that are carried out continuously for the protection of children's rights. While extra supervision of children, both personally and as part of society, needs to be done. This is intended to protect children's rights and prevent the entry of negative external influences that can interfere with children's growth and development. Meanwhile, what is meant by law as protection of the child itself is the law in the material sense made by the legal central and regional authorities. Thus, preventing crimes, especially sexual harassment, especially before crimes are committed and victims arise, is the best and most appropriate way of coping.<sup>23,24,25,26</sup>

The number of legal regulations governing the protection of children's rights, the number of institutions or agencies whose duties and functions are for the protection of children's rights, shows that legal protection of children is adequate, and should be followed by improving the quality of children's lives. But social symptoms still show the fulfillment of children's rights, and children who suffer from this come from various walks of life not only from poor families but also from rich families, although with different problems. Matters that affect the ways of preventing crime, especially sexual abuse of children, will be influenced by the interests of the structure and system of a society, culture and government as well as government policies. In detail, it can be stated<sup>27</sup> that anyone who is obliged to prevent acts of violence against children can be stated.<sup>28</sup>

From these problems, it is studied about the efforts and solutions taken in terms of child protection which will be used as a basis for balancing the concept of law enforcement against perpetrators of sexual abuse of minors in the future. The results of the research are expected to be able to provide answers to legal problems in law enforcement against perpetrators of sexual abuse of minors.

## **B. RESEARCH METHODS**

The research method used is normative juridical research with a statutory approach and a concept approach.<sup>29</sup>

### **1. Types of Research**

This research is included in the type of doctrinal research, where the approach method used is normative juridical. The study method used in this study is normative legal research, which is a study conducted by examining certain legal problems based on the implementation of applicable laws and regulations or applied to a legal case.<sup>30</sup>

### **2. Research Approach**

- a. *Statute* approach is an approach taken by reviewing laws and regulations related to the legal issues raised.<sup>31</sup>
- b. Conceptual approach (*conceptual approach*) is an approach that departs from the views and doctrines that develop in legal science.<sup>32</sup>

### 3. Data Sources and Data Collection

The research source used in this study is the result of data collection carried out with *library research* data.

Secondary data are then grouped into three sources of legal materials used in this study are primary legal materials, secondary legal materials, and tertiary legal materials as follows:

#### a. Primary Legal Materials

Primary legal materials are data that are materials in binding legal research sorted based on the hierarchy of legislation.

#### b. Secondary Legal Material

Secondary legal research is material in the form of all publications on law that are not official documents, including textbooks, legal dictionaries, legal journals, and commentaries on court decisions

#### c. Tertiary Law Materials

Tertiary legal material, is also legal material that can explain both primary legal material and secondary legal material, in the form of dictionaries, lexicons and others related to the focus of research.

### 4. Data Analysis

The research technique in this dissertation is descriptive analytical, where analysis is carried out critically using various theories of research problems. The collected data is analyzed descriptively with a *qualitative approach*, namely by providing a thorough and in-depth presentation and explanation (*holistic / verstelen*) scientifically.

## C. RESEARCH RESULTS AND DISCUSSION

### 1. Regulation of the Criminal act of Sexual Abuse of Minors based on International Law and National Legal Instruments

International Instruments that address legal protection of children, including:

#### a. Universal Declaration of Human Rights

*Universal Declaration of Human Rights* (UDHR) ratified on December 10, 1948. Article 16 paragraph (3) of the UDHR) states that the family is a natural and fundamental unity of society and is entitled to protection by society and the state. This is closely related to children because children as part of the family, require special maintenance and protection and children are still dependent on the help and assistance of adults, especially their parents. Especially in terms of fulfilling their rights, a child cannot do it alone because his abilities and experience are still limited. Protection of children in the UDHR which is an international instrument that is universal.



**b. The Convention on The Elimination of All Discrimination Against Woman (CEDAW)**

*The Convention on the Elimination of All Discrimination against Women (CEDAW)* was adopted by the United Nations General Assembly on 19 December 1979 and entered into force as a treaty on 3 December 1981. Then ratified by Indonesia through Law Number 7 of 1984, which specifically regulates all aspects of women's lives including children who are free of discrimination in the fields of education, health, law, economy, social, politics and culture and protection from violence.

**c. Convention on The Rights if The Child**

*The Convention on the Rights if The Child* was adopted by the United Nations in 1989 and ratified by Indonesia through Presidential Decree Number 36 42 of 1990 concerning the ratification of the Convention on the Rights of the Child (Convention on the Rights of the Child) on August 25, 1990, which regulates the human rights of children as part of human society, including the protection of children from all forms of violence and discrimination. Broadly speaking, the Convention on the Rights of the Child consisting of 45 articles can be categorized into 4 major parts, namely: 1) The right to survival This right includes the right to get health services with high standards, immunization against various diseases that cause death is one manifestation of this right. 2) The right to protection Included in this right is protection against discrimination, violence, devotion and exploitation, while also attention is paid to providing protection to children without families and also refugee children. 3) The right to be able to develop this child's right to development covers all aspects of his life both physical, mental and socio-cultural aspects that must be adjusted to his age development. 4) The child's right to participate Children have their own point of view on a problem, but often it is not recognized by adults. The Convention on the Rights of the Child guarantees that if the child is able, he can express his views on something, he can spread his views.

**d. The United Nations Guidlines for The Erevention of Juvenile Delinquency (The Riyald Guidelines)**

*The United Nations Guidlines for The Erevention of Juvenile Delinquency (The Riyald Guidelines)* contained in United Nations Resolution (UN) Number 45/112 dated December 14, 1990 consisting of 7 (seven) sections containing 66 points of guidelines on "Juvenile delinquency" and "youth crimer" is a guideline for preventing child crime, ranging from government policies to specific programs, including community involvement in it.

**e. Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power**

*The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* was based on considerations at The Seventh United Nations Congress on the Prevention of Crime and the Treatment of offenders, held in Milan, Italy from August 26 to September 6, 1985. The Declaration recommends limiting limits taken at the international and regional levels to improve access to justice and adequate care, redress, redress and social assistance for victims

of crime and briefly outlines the main steps taken to prevent victimization associated with abuse of power and provide reparations for victims in care.

**f. The Slavery Convention (1926) and Supplementary Convention on the Abolition of Slavery, the Slavery Trade and Practices Similar to Slavery (1956).**

Convention on Slavery of 1926, and Supplement to the Convention on the Abolition of Slavery, Trade in Slaves and Practices Equated with Slavery of 1956. The supplement to the 1956 Convention broadens the scope of the definition contained in the 1926 Convention, whereby slavery includes the practice and institution of slavery arising in marriage and the exploitation of growing children and young people. Article 1 of the 1956 Convention states that a child is a person under the age of 18. Article 2 states that States Parties shall establish an age limit for marriage.

**g. The Convention on the Suppression of Traffic in Persons and the Exploitation of the Prostitution of Others (1949).**

*The Convention on the Suppression of Traffic in Persons and the Exploitation of the Prostitution of Others (1949).* Convention on the Suppression of Trafficking in Persons and Exploitation of Prostitution. The Convention is an international instrument that only specifies human trafficking and exploitation in prostitution. The Convention also includes the context of protecting children from trafficking and prostitution.

The above International Instruments have established a set of children's rights and obligations of signatory States and ratified them to protect children. Indonesia as one of the countries that ratified these instruments is obliged to implement them, namely by:

- i. The formation of law or harmonization of law in accordance with the norms contained in the international instrument.
- ii. Law enforcement regarding children's rights is implemented as a functionalization of legal norms.
- iii. Conduct concrete action programs related to the protection of children's rights. Morally all countries are required to respect, uphold and protect children.

**2. Regulation of Criminal Acts of Sexual Abuse of Minors based on Laws and Regulations**

The term sexual violence is a term derived from English, namely sexual hardness. Hardness in English means violent, unpleasant, and not free. Meanwhile, the word sexual means something related to sexuality. Thus, overall sexual hardness is defined as sexual acts that are not desired by the recipient, because there is pressure, threats, unfreedom, and discomfort. Acts of sexual violence have violated the human rights of women and children.<sup>33</sup>

Pancasila exists as an ideology of national and state life as a reference for moral human values. So in the 2nd precept of Pancasila it is said that: "Just and Civilized Humanity".



The precepts contain the following items:

- a. recognizing equality, equality of rights and equality of duties between human beings;
- b. love each other;
- c. develop tolerance and tepo seliro;
- d. not arbitrary towards others;
- e. uphold human values;
- f. fond of humanitarian activities;
- g. dare to stand up for truth and justice; and
- h. The Indonesian nation feels itself as part of all mankind, therefore developed an attitude of respect, respect and cooperation with other nations.

Article 27 paragraph (1) of the Constitution of the Republic of Indonesia Year 1945 explains that "All citizens have equal standing in law and government and are obliged to uphold the law and government with no exception" and Article 28D paragraph (1) states that "Everyone has the right to recognition, guarantee, protection, and fair legal certainty and equal treatment before the law" and Article 28G paragraph (1) also explains that "everyone The right to the protection of person, family, honor, dignity, and property under his control, and to security and protection from threats of fear to do or not to do something that is a human right.

Human rights related especially to victims of sexual violence are regulated in the 1945 Constitution Article 28D paragraph (1) which states "Everyone has the right to recognition, guarantee, protection, and fair legal certainty and equal treatment before the law". This means that victims of sexual violence have the absolute right to legal protection that can guarantee all the fulfillment of their rights

In general, the issue of sexual abuse is regulated in the Criminal Code (KUHP), the second book on crimes, Chapter XIV on Decency Crimes (articles 281-303) and specifically related to children, regulated in Law No. 23 of 2002 (hereinafter abbreviated as Law No. 23 / 2002) concerning Child Protection, especially article 17 and Law No. 11 of 2012 (hereinafter abbreviated as Law No. 11 / 2012) concerning the Juvenile Criminal Justice System and Law No. 4 Year 1979 (hereinafter abbreviated as Law No. 4/1979) concerning Child Welfare. Law Number 39 of 1999 concerning Human Rights Article 65 which regulates the right of children to be protected from sexual exploitation and abuse activities, kidnapping, child trafficking, as well as from various forms of abuse of narcotics, psychotropics, and other addictive substances.

### **3. Futurelegal Drafts in Law Enforcement against Perpetrators of Sexual Abuse of Minors**

Every child has human rights, as well as rights owned by adults, not many parties think and want to take concrete steps to protect children's rights. Children are immature individuals both physically, and mentally, let alone socially. So when compared to adults, it is clear that children will be more at risk of violence and neglect. Broadly speaking, the impact of violence on

children includes: a) Children become negative and aggressive and easily frustrated; b) Being very passive and apathetic; c) Having no personality of his own, all he does throughout his life is fulfill the wishes of his parents; d) Low self-esteem; e) It is difficult to establish relationships with other individuals.<sup>34</sup>

Legal protection of children is an effort to protect various freedoms of children's human rights, as well as various interests related to child welfare. Legal protection for children covers a wide scope. In the perspective of statehood, the state protects its citizens including children can be found in the preamble to the 1945 Constitution paragraph IV, in its description CHAPTER XA on Human Rights, especially for the protection of children, Article 28B paragraph (2) UUD1945 stated that every child has the right to survival, growth and development, and the right to protection from violence and discrimination.

Criminal justice (*the juvenile justice system*) is one form of protection provided by law to children who have committed criminal acts. The orientation of the entire juvenile criminal justice process must be aimed at the welfare of the child itself, based on the principle of *the best interest for children* that there are two objectives for the establishment of juvenile justice, namely:

1. The promotion of the *wellbeing of the juvenile* means that this principle of child welfare should be seen as a central focus in the juvenile justice system. This principle can be used as a basis for not applying the use of sanctions that are solely criminal in nature, or punitive in nature.
2. Promoting the *principle of proportionality*, is a means to curb the use of punitive sanctions in the sense of retaliating. Paul H. Hann argues that juvenile courts should not merely serve as a criminal justice for children nor should they function solely as a social institution.

The concept of legal protection for child victims of sexual crimes according to positive law must be based on Pancasila in providing legal protection to its citizens. Therefore, the protection of the law will give birth to the recognition and protection of human rights in their form as individual beings and social beings, within the forum of a unitary state for the achievement of public welfare.

Future legal concepts in law enforcement against perpetrators of sexual abuse of minors, as follows; (1) Legal Substance; The Child Protection Law should also contain preventive or preventive efforts. (2) Legal Construction; Legal construction in handling sexual crimes against children should examine the perspective of children as victims. (3) Legal structure; the need for improved law enforcement coordination in child protection; (4) Culture: Building a legal culture of the community in the protection of laws both preventive and repressive (5) Legal Knowledge; Building public legal knowledge related to child protection in various fields, not only on sexual violence.

## D. CONCLUSION

Based on the results of research and discussion, it can be concluded as follows:

- 1) Regulation of the criminal act of sexual abuse of minors based on the regulation of the criminal act of sexual abuse of minors is regulated by Law Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection. In particular, the protection of children as victims of sexual crimes has a legal umbrella that can protect it, namely in Article 69A "Special Protection for Child Victims. Sexual crimes as referred to in Article 59 paragraph (2) point j are carried out through efforts to: a. education about reproductive health, religious values, and moral values; b. social rehabilitation; c. psychosocial assistance at the time of treatment until recovery; and d. provision of protection and assistance at every level of examination starting from investigation, prosecution, to examination in court hearings.
- 2) Legal problems in law enforcement against perpetrators of sexual abuse of minors, as follows; (1) Legal Substance; The Child Protection Law is still limited to the realm of prosecuting perpetrators of sexual violence against children, not to preventive or preventive efforts. (2) Legal Construction; The legal construction in handling sexual crimes against children in the Indonesian criminal law system, still tends to highlight crimes from the perpetrator's point of view. Of course, this is not balanced if the child's point of view as a victim is ignored. (3) the legal structure lack of law enforcement coordination in child protection; (4) Culture: Law The legal culture that develops in society is the handling and protection of the law after sexual harassment and it also focuses on retaliation against the perpetrator, paying less attention to the victim's side. (5) Legal Knowledge; Public legal knowledge about sexual crimes against children is very minimal, where sexual crimes against children are generally interpreted as rape.
- 3) Future legal concepts in law enforcement against perpetrators of sexual abuse of minors, as follows; (1) Legal Substance; The Child Protection Law should also contain preventive or preventive efforts. (2) Legal Construction; Legal construction in handling sexual crimes against children should examine the perspective of children as victims. (3) Legal structure; the need for improved law enforcement coordination in child protection; (4) Culture: Building a legal culture of the community in the protection of laws both preventive and repressive (5) Legal Knowledge; Building public legal knowledge related to child protection in various fields, not only on sexual violence.

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