

6 ADALAH

Buletin Hukum & Keadilan

The Implementation of Legal Protection for Minor Victims of Sexual Violence: An Empirical Study in Kronjo District, Tangerang Regency, Banten Province

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 [10.15408/adalah.v6i1.50874](https://doi.org/10.15408/adalah.v6i1.50874)

Abstract:

The implementation of legal protection for child victims of sexual violence in the studied area has been carried out; however, it has not yet reached optimal effectiveness. Strengthening inter-agency coordination, enhancing the capacity of law enforcement officials, and increasing public awareness are necessary to establish a more comprehensive and equitable child protection system. This study addresses the following research questions: (1) How is the current implementation of legal protection for minor victims of sexual violence in Kronjo District, Tangerang Regency? and (2) What factors hinder the effective implementation of such legal protection? Accordingly, this research aims to analyze both the implementation and the

challenges faced in protecting minor victims of sexual violence in the region. The research employs an empirical juridical method with a qualitative approach. Data were collected through literature review and field research, including interviews with law enforcement officers, victim advocates, and other relevant stakeholders. Data analysis was conducted descriptively and analytically, with reference to applicable laws and regulations, particularly those concerning child protection. The findings indicate that the implementation of legal protection for child victims of sexual violence in Kronjo District remains suboptimal. This is reflected in several obstacles, including procedural challenges in case handling, limited inter-agency coordination, insufficient human resources, and low public awareness regarding child protection. Nevertheless, protective measures are still carried out through legal processes, psychological assistance, and social rehabilitation for victims.

Keywords: *legal protection, minors, sexual violence, implementation, victims*

A. INTRODUCTION

Children are a mandate and gift of God Almighty who has the dignity and dignity of being a complete human being. From a legal perspective, children are also the next generation of the nation who have a strategic role in ensuring the sustainability of the life of the nation and state. Therefore, children must receive special protection from the state, society, and family so that they can grow and develop optimally, both physically, mentally, and socially. The protection of children is an integral part of the protection of human rights. The State has an obligation to ensure the fulfillment of children's rights as stipulated in various laws and regulations, including the Law on Child Protection. However, in practice, there are still many children who are victims of various forms of violence, one of which is sexual violence.

Sexual violence against children is a very serious form of crime because it not only has an impact on the physical aspect, but also causes deep and prolonged psychological trauma. Children as victims often experience mental disorders, loss of confidence, and difficulty in social interaction. These impacts can last into adulthood and affect the overall quality of life of victims.

The phenomenon of sexual violence against children in Indonesia shows a worrying trend. The cases that occur are not only increasing in quantity, but also increasingly complex in form and modus operandi. In

fact, not a few cases involve perpetrators from the victim's immediate environment, such as family, neighbors, or people known to the victim. This shows that the environment that should be a refuge can actually be a source of threat to children. In the context of law enforcement, the state has paid serious attention to child protection through various regulations. However, the implementation of legal protection still faces various obstacles. One of the main problems is the lack of optimal coordination between law enforcement agencies and child protection institutions in handling cases of sexual violence against children.

In addition, social and cultural factors are also obstacles in handling cases of sexual violence against children. The existence of a negative stigma against victims causes many cases to go unreported. Victims and their families often feel embarrassed or afraid to report the incidents they experienced, so that the perpetrators do not get the proper legal sanctions.

In the Kronjo District, Tangerang Regency, the problem of sexual violence against children is also a serious concern. The social conditions of the community, education level, and economic factors also affect the level of vulnerability of children to sexual crimes. In some cases, the lack of public understanding of the importance of child protection causes cases of sexual violence to not be handled appropriately.

The implementation of legal protection for child victims of sexual violence in this region also faces various challenges, such as limited facilities, lack of professional personnel, and lack of socialization about children's rights. This shows that although normatively legal protection has been well regulated, in practice there is still a gap between norms and reality. From the perspective of legal theory, the effectiveness of a law is not only determined by the existence of rules, but also by their implementation in society. According to Soerjono Soekanto, the effectiveness of the law is influenced by several factors, namely the legal factors themselves, law enforcement officials, facilities and facilities, society, and legal culture.¹ Thus, to understand the implementation of legal protection for child victims of sexual violence, an analysis of these various factors is carried out. Legal protection for child victims of sexual violence does not only aim to sanction perpetrators, but also to provide rehabilitation to the victim. In this case, the approach used must be comprehensive, including legal, psychological, and social aspects. Without a comprehensive approach, the protection of children will not run optimally.

In principle, cases of sexual violence against children in Indonesia in the last period of time are quite concerning issues of violation of children's rights. Based on data on child complaint cases from the Indonesian Child Protection Commission (KPAI), from year to year it

has increased quite a bit in Indonesia, including in the Kronjo District, Tangerang Regency, Banten Province. The increase in the number of victims of sexual violence against children shows that children as a vulnerable group are victims of sexual violence. Perpetrators of sexual violence against children are not limited to unknown people, but also those closest to them, and are not foreigners, or the person is trusted by the victim. Based on the results of research by the Center for Research and Development of Social Welfare Services of Tangerang Regency, the Ministry of Social Affairs in collaboration with End Child Prostitution, Child Pornography & Trafficking Of Children For Sexual Purpose (ECPAT), research conducted by Ningsih and Henniyati in 2025 on 21 child victims of sexual violence also shows that the perpetrator is the closest person to the victim, namely neighbors and girlfriends.¹ Diesmy conducted a study on 16 child victims of sexual violence in 2015, and the results showed that of the 16 cases of sexual violence, 14 of them were committed by people known to the victim.

The nature of children as weak and immature figures makes them have to obey their parents or adults around them which can provide an opening for inappropriate actions such as sexual violence. As

¹Ningsih, E.S.B., and Henniyati, S, 2018, Sexual Violence on Children in Karawang Regency, *Journal of Midwives* Vol. 4 (2),pp. 56-65.

mentioned by Tuliah from the results of her research in 2018, minors are vulnerable to sexual violence because of their weak position, easy to be deceived, less risky, and relatively safer not to expose

Various cases of sexual violence that have occurred in the last period of time, including in 2021 which made the public astonished where dozens of Islamic boarding school students in Bandung became victims of rape committed by teachers and leaders of Islamic boarding schools.² In the pesantren environment, the perpetrator as a teacher and leader who should protect and provide protection to his students actually has the heart to commit these immoral acts. By taking advantage of his position as a figure who must be respected and obeyed and the victim's condition far from his parents, the perpetrator makes the victim helpless and can approve of the perpetrator's actions.

In March 2025, a case of sexual violence befell a 15-year-old child in Kronjo village, Tangerang Regency, Banten Province. Based on the results of the hospital doctor's examination, the victim suffered an abnormal injury to his genitals. leading to the suspicion that the perpetrator was an adult male who still had a kinship relationship with the victim. Likewise, in other areas, the same thing happened in Kronjo District, an uncle

²<https://nasional.okezone.com/read/2021/12/12/337/2515750/guru-pesantren-perkosa-belasan-santri-apparently-this-cause-herry-wirawan-leloosa-beka-bedelat?page=2> accessed on May 31, 2022 at 20:36 WIB

molested his own 11-year-old nephew. The immoral act has been going on for 3 (three) years, but the victim did not dare to tell his parents about the incident. Not only by the victim's uncle, 2 (two) colleagues of the victim's father also participated in the immoral act.

Cases of sexual violence that occur to children require full attention from both the government and the community. Indonesia as one of the countries that ratified the United Nations (UN) Convention on the Rights of the Child, through Presidential Decree (Keppres) No. 36 of 1990, is legally obliged to fulfill children's rights, both civil, political, social, cultural, and economic. The fulfillment of children's rights is certainly inseparable from legal protection for children against all forms of violence that befall them, especially in this case, children as victims of sexual violence have the right to maximum legal protection.

The government's efforts in providing legal protection to children who are victims of sexual violence against children are reflected in Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection, Law of the Republic of Indonesia Number 4 of 1979 concerning Child Welfare, Law of the Republic of Indonesia Number 11 of 2012 concerning the Juvenile Justice System. Furthermore, the Regional Government makes implementing regulations under it.

Although the government has made efforts to provide legal protection for child victims of sexual violence as mandated in Law of the Republic of Indonesia Number 35 of 2014 concerning Child Protection, the facts on the ground show that the implementation of the law has not been optimal. There are several factors that are obstacles, including the provision of safe house facilities for children victims of sexual violence.³ In addition, the trial process is not in accordance with the provisions of the Law of the Republic of Indonesia Number 35 of 2014.⁴ The difficulty of the investigation process is also an obstacle when witnesses who are minors have difficulty in giving testimony and there are differences in reports given by witnesses at the police station and at home.

The case of sexual violence analyzed was a case that occurred in Kronjo District, Tangerang Regency which is part of the Jurisdiction of Tangerang Regency. Based on data obtained from P2TP2A Tangerang Regency, cases of violence against children have fluctuated in the last 5 (five) years, where cases of sexual violence against children in particular showed an

³Yuliantini, R., & Mangku S., 2021, Legal Protection for Child Victims of Sexual Violence. *Scientific Journal of Pancasila Education and Citizenship* 6(2), p. 342-349.

⁴Wahyuningsih, S. E., Purba, A. R., Monika, R., & Muhammad, I. ,2017, Legal protection of children as victims of pedophilia in Indonesia. *Man in India* 97(24), p.79-80.

increasing trend from 2018 to 2019. Based on the author's observation on the handling of child victims of sexual violence, they have not received optimal legal protection. In addition, the selection of Kronjo District, Tangerang Regency as the place for the research was conducted.

Regarding these achievements, this study will see whether in terms of legal protection of child victims of sexual violence in Kronjo District, Tangerang Regency has been implemented in accordance with regulations while it is still found that the protection of child victims of sexual violence in previous studies has been found to be less than optimal.

RESULTS AND DISCUSSION

B. Implementation of legal protection of minors victims of sexual violence in the Kronjo District area, Tangerang Regency

The implementation of legal protection for minor victims of sexual violence is one of the important indicators in assessing the success of the legal system in providing protection to vulnerable groups. In the context of the Kronjo District area, Tangerang Regency, the implementation is not only determined by the existence of applicable legal norms, but also by the effectiveness of its implementation at the practical level. Normatively, the state has provided guarantees for the protection of

children through various legal devices that expressly regulate prohibitions and sanctions against perpetrators of sexual violence. This protection includes the right of children to security, justice, and recovery for the losses experienced. However, in practice, the implementation of legal protection still faces various challenges that prevent optimal protection from being achieved.

In its implementation in the Kronjo District area, legal protection for child victims of sexual violence can be analyzed through several important stages, namely the reporting stage, case handling, and victim recovery. Many cases are not reported to law enforcement officials due to fear, embarrassment, and pressure from the social environment. In addition, the lack of public understanding of the importance of reporting is also a factor that causes the low level of case disclosure. This condition shows that legal protection is not yet fully accessible to victims effectively.⁵

At the stage of handling cases, law enforcement officials have a very important role in ensuring that the legal process runs in accordance with applicable regulations. In practice, the handling of cases of sexual violence against children has been carried out through existing legal mechanisms, ranging from investigations to judicial processes. However, in its implementation, various obstacles are still found, such as limited human

⁵ Maidin Gultom, *Legal Protection of Children and Women*, (Bandung: PT Refika Aditama, 2018). Pg. 35

resources, a lack of special expertise in handling children's cases, and a lack of optimal coordination between institutions. This has an impact on the quality of case handling, which has not fully provided maximum protection to victims.

Furthermore, at the victim recovery stage, legal protection should not only focus on punishing the perpetrator, but also on restoring the victim's condition. Children who are victims of sexual violence generally experience deep trauma, so they need comprehensive treatment, both psychologically and socially. However, in the Kronjo District area, facilities and support services for victim recovery are still limited. This causes the victim's rehabilitation process to not run optimally.

From the point of view of legal effectiveness, the implementation of legal protection for child victims of sexual violence in this region is still influenced by various factors. These factors include legal aspects, law enforcement officials, facilities and facilities, society, and legal culture. These five factors are interrelated and determine the extent to which the law can function effectively in protecting victims. In the legal aspect, although the existing regulations are quite complete, in practice, there is still a gap between norms and implementation. This shows that the existence of good laws does not necessarily guarantee effective protection if it is not followed by consistent application.

In the aspect of law enforcement officials, professionalism and capacity are key factors in determining the success of handling cases. Handling cases of sexual violence against children requires a special approach that is different from criminal cases in general. Therefore, it is necessary to improve the competence of the apparatus in order to be able to provide optimal protection to victims.

In terms of facilities and facilities, limited infrastructure is one of the main obstacles in the implementation of legal protection. The availability of facilities such as child-friendly examination rooms, counseling services, and rehabilitation institutions is still inadequate. This condition has an impact on the quality of handling and recovery of victims. In the community aspect, low legal awareness and the stigma of victims are obstacles in legal protection efforts. People are often reluctant to report cases of sexual violence because it is considered a disgrace that must be hidden. This shows that legal protection does not only depend on law enforcement officials, but also on community participation.

In the aspect of legal culture, the social values that develop in society also affect the implementation of legal protection. Patriarchal culture and the tendency to solve problems family are factors that hinder law enforcement against perpetrators. This condition shows that changing

the legal culture is one of the keys in increasing the effectiveness of legal protection. Thus, it can be concluded that the implementation of legal protection for minor victims of sexual violence in the Kronjo District, Tangerang Regency, has not been running optimally. This is due to various structural, social, and cultural constraints. Therefore, comprehensive efforts are needed to increase the effectiveness of legal protection, both through improving the legal system, increasing the capacity of the apparatus, providing adequate facilities, and increasing public awareness. These efforts are expected to create a legal protection system that is more responsive and oriented towards the best interests of children, so that children as victims of sexual violence can get justice, protection, and proper recovery.

In the reality of law enforcement at the local level, especially in Kronjo District, Tangerang Regency, the implementation of protection for child victims of sexual violence shows quite complex dynamics. This condition cannot be separated from the interaction between the legal system and the social structure of the developing society. Therefore, an analysis of the implementation of legal protection needs to be carried out comprehensively by considering various interrelated dimensions.⁶

⁶ Ibid. p.69 4 Nashriana, *Criminal Law Protection for Indonesian Children* (Jakarta: Rajawali Pers, 2011). Thing 1.

From an institutional perspective, the implementation of legal protection for child victims of sexual violence involves various institutions, such as the police, the prosecutor's office, courts, and child protection institutions. Each institution has its own role and function in handling the case. However, in practice, coordination between these institutions has not been running optimally. The lack of integration in case handling causes the victim protection process to be ineffective and tends to run partially. On the other hand, the approach used in handling cases is still dominated by a repressive approach, which focuses on punishing the perpetrator. Although this approach is important in providing a deterrent effect, it often overlooks the recovery aspect of the victim. In fact, children who are victims of sexual violence need comprehensive treatment, including psychological, social, and long-term rehabilitation support. This imbalance between repressive and restorative approaches is one of the indicators that legal protection is not fully oriented to the best interests of children.

Furthermore, in practice in the field, it was found that the process of handling cases often faces administrative and procedural obstacles. For example, the length of the investigation process, the lack of evidence, and the difficulty in presenting witnesses. These barriers not only slow down the law enforcement

process but also have the potential to cause additional trauma for victims who have to repeatedly testify. In addition to institutional factors, the socio-economic conditions of the community also affect the implementation of legal protection. In some cases, the victim's family chooses not to proceed with the legal process for economic reasons, such as transportation costs, loss of working time, or dependence on the perpetrator, who still has family relationships. This condition shows that economic factors can be an obstacle in efforts to obtain justice.

Another aspect that is no less important is the level of education of the community. Low levels of education can have an impact on the lack of understanding of children's rights and available legal protection mechanisms. As a result, the community does not have the courage or ability to report cases of sexual violence that occur. This reinforces the assumption that the effectiveness of the law is greatly influenced by the level of legal awareness of the public. In the context of local culture, developed social values also have a significant influence on the handling of cases of sexual violence. There is still a view that the problem is a personal or family affair, causing many cases to be resolved informally. This settlement outside the legal channel often harms victims because it does not provide the justice that should be obtained. In fact, in some cases, the

victim actually experienced pressure not to reveal the incident he experienced.

Furthermore, the psychological factor of the victim is also a challenge in the implementation of legal protection. Children as victims have vulnerable emotional conditions, so they require a special approach in the examination process. However, not all law enforcement officers have competence in handling children professionally. This can have an impact on the quality of the information provided by the victim and the success of the proof in the legal process.

If analyzed further, the various factors that affect the implementation of legal protection are interrelated and form a complex system. Weaknesses in one aspect will have an impact on other aspects, thus hindering the achievement of optimal legal protection. Therefore, an integrated approach is needed in overcoming these problems. In an effort to increase the effectiveness of legal protection, reforms that are not only normative, but also structural and cultural are needed. Normative reform can be carried out through the improvement of laws and regulations, while structural reform can be carried out through increasing the capacity of law enforcement agencies. Cultural reform requires a change in people's mindset to better support the protection of children.

In addition, it is important to strengthen the role of local governments in providing protection to child victims of sexual violence. Local governments can play a role in providing supporting facilities, such as integrated service centers, as well as socializing the community about the importance of child protection. With the support of the local government, it is hoped that the implementation of legal protection can run more effectively. Furthermore, community involvement in efforts to prevent and handle cases of sexual violence is also very necessary. Society not only plays a role as an object of law, but also as a subject that has a responsibility in creating a safe environment for children. Active community participation can be carried out through case reporting, providing support to victims, and supervision of the surrounding environment.

Thus, it can be emphasized that the implementation of legal protection for child victims of sexual violence in Kronjo District still faces various multidimensional challenges. These challenges do not only come from legal aspects, but also from social, economic, and cultural aspects. Therefore, comprehensive and sustained efforts are needed to overcome these various obstacles. that the effectiveness of legal protection cannot be achieved only by relying on laws and regulations, but also requires the support of various other interrelated factors. With improvements in

these various aspects, it is hoped that legal protection for child victims of sexual violence can run more optimally in the future.

C. What factors are faced in the implementation of the legal protection of minor victims of sexual violence

In the practice of implementing legal protection for minors who are victims of sexual violence, various factors affect the effectiveness of its implementation in the field. These factors are not only juridical, but also include structural, cultural, social, and technical aspects of law enforcement that are interrelated with each other. One of the main factors that is often faced is the limitation in the understanding and implementation of law enforcement officials to the provisions of laws and regulations governing child protection. Although normatively Indonesia already has quite comprehensive regulations such as the Child Protection Law and the Child Criminal Justice System Law, in practice there are still differences in perception and approach in handling cases. This causes protection that should be fast, responsive, and oriented to the best interests of the child often does not run optimally.⁷

⁷ Abdul Wahid and Muhammad Irfan, 2001, *Protection of Victims of Sexual Violence*, Bnadung: Refika Aditama, pp. 85-86. 47 Op.cit
<https://www.scribd.com/doc/169591239/Definisi-Kejahatan-Seksual>

In addition, institutional factors are also quite significant obstacles. Coordination between agencies such as the police, prosecutor's office, child protection agencies, and social services often does not run in an integrated manner. This inconsistency can hinder the process of assisting victims, starting from the reporting stage, investigation, and trial. As a result, child victims do not receive maximum protection both legally and psychologically during the judicial process. Another factor is the limitation of human resources, both in terms of quantity and quality. Not all law enforcement officers have special competence in handling cases of sexual violence against children that require a sensitive and trauma-based approach. In some cases, the examination of victims is still carried out with a less child-friendly approach, so that it has the potential to cause further trauma (rehabilitation).

In addition, social and cultural factors also have a strong influence. In some communities, cases of sexual violence against children are still considered a family disgrace, so they tend to be covered up or not reported. This social stigma causes many cases not to reach the legal realm. In fact, it is not uncommon for victims or their families to choose to settle family, which ultimately hinders formal and thorough law enforcement. Economic factors also play a role, especially for victims' families who come from weak economic backgrounds. Limited

costs to access legal aid, psychological assistance, and lengthy legal processes are often obstacles in fighting for victims' rights. Under certain conditions, this makes the victim not get the proper recovery as mandated by law. In addition, the psychological factor of the child victim itself is also a challenge in the process of implementing legal protection. Children who are victims of sexual violence often experience deep trauma, fear, shame, and even pressure from the surrounding environment, so it is not easy to provide information openly and consistently. This can affect the evidentiary process in criminal cases which ultimately has an impact on law enforcement outcomes.

Thus, it can be understood that obstacles in the implementation of legal protection for child victims of sexual violence are complex and multidimensional problems. It is necessary to strengthen coordination between institutions, increase the capacity of law enforcement officials, change the social paradigm of the community, and support a more integrated protection system so that the goal of legal protection oriented to the best interests of children can be realized effectively.

However, despite the implementation of legal protection for minors who are victims of sexual violence, various obstacles are still found that basically affect the effectiveness of law enforcement itself. These obstacles

arise from various aspects that are interrelated and inseparable from each other, thus forming a complexity of problems in the child protection system in Indonesia.

One of the problems that is quite prominent is that there is still a gap between normative legal rules and their application in the field. Normatively, the legal apparatus has provided a strong guarantee of protection for child victims of sexual violence, but in practice the implementation often does not run in accordance with the expected spirit of protection. This is influenced by the perspective and understanding of law enforcement officials who are not completely uniform in interpreting existing legal provisions.

On the other hand, obstacles can also be seen from the lack of an optimal cooperation system between institutions that have the authority to handle child cases. Case handling often runs sectorally without strong integration, so the process of protecting victims is not optimal. In fact, handling cases of child victims of sexual violence requires a comprehensive approach, ranging from legal, psychological, to social aspects that must run simultaneously. The next problem lies in the quality and readiness of human resources who handle the case. Not all officers have special abilities in dealing with child victims who have been traumatized by sexual violence. This condition causes the approach used in the

examination process to sometimes still be formal and does not consider the psychological condition of the victim, so that it can worsen the psychological state of the child concerned.

In addition to institutional and human resource factors, obstacles are also influenced by community social environmental factors. In many cases, there is still a tendency in society to cover up incidents of sexual violence against children because it is considered something shameful. This attitude has led to a low level of reporting of cases to law enforcement officials, so that many violent incidents are not legally disclosed. Not only that, but the economic aspect of the victim's family is also one of the obstacles that is quite influential. Limited economic conditions often make the victim's family unable to access legal aid to the fullest extent and psychological recovery services that should be provided by the state. This has an impact on the non-fulfillment of the victim's rights as a whole as stipulated in laws and regulations. In addition, the psychological condition of the victim's child itself is also a factor that cannot be ignored. The trauma experienced by victims often causes difficulties in providing clear and consistent information during the legal process. This situation certainly has an impact on the evidentiary process which is one of the important aspects in handling criminal cases.

Thus, these various obstacles show that the implementation of legal protection for child victims of sexual violence still faces quite serious challenges. Therefore, more systematic and sustainable efforts are needed in strengthening synergy between institutions, increasing the capacity of law enforcement officials, and building public awareness so that the protection of children can run more effectively and fairly. This condition shows that the handling of cases of child victims of sexual violence requires a comprehensive approach, not only stopping at the normative aspect, but also at the practical aspect in the field.

If reviewed further, one of the obstacles that still often arises is that there has not been a complete understanding among law enforcement officials about the importance of the principle of the best interest of the child. In some cases, the process of handling cases still tends to be oriented towards the aspect of proof alone without paying enough attention to the psychological condition of the victim. This has the potential to reduce the quality of protection that children should receive as victims. In addition, in practice, there are still differences in approaches between institutions that handle children's cases, which causes there to be no uniformity in handling cases. This inconsistency in work patterns often creates obstacles in the coordination process, so that case handling becomes ineffective and tends to be protracted.

In fact, in the context of child protection, speed and accuracy of handling are very important to prevent further impacts that are heavier for victims.

In addition to institutional factors, other challenges can also be seen from the limited public understanding of the importance of reporting cases of sexual violence against children. In many situations, people still view the case as an internal family issue that does not need to be brought to the legal realm. This kind of mindset ultimately leads to many cases not being formally revealed, so that victims do not get the legal protection they deserve.

Other obstacles can also be seen from the aspect of the availability of supporting facilities in the process of handling children's cases. Not all regions have adequate facilities such as child-friendly examination rooms, psychologist assistants, and integrated service institutions that can support the victim recovery process. This limitation certainly has an impact on the quality of case handling as a whole, especially in providing a sense of security for children during the legal process. Furthermore, cultural factors and social values that are still developing in the community also affect the courage of victims and families to report incidents of sexual violence. In some cases, there is social pressure that makes the victim choose to remain silent or solve

problems family, even though legally the act is a serious criminal act. This condition shows that the social aspect has a strong enough influence on the effectiveness of legal protection.

On the other hand, the evidentiary process in cases of sexual violence against children also often faces its own obstacles. This is because child victims generally experience quite severe psychological trauma, so it is not easy to provide detailed and consistent information. This situation requires law enforcement officials to have special expertise in conducting examinations with a more humane approach and not causing additional pressure for victims. Thus, it can be understood that the various factors faced in the implementation of legal protection for child victims of sexual violence are interrelated and form a complex system of problems. Therefore, it is necessary to strengthen regulations, increase the capacity of the apparatus, and change the mindset of the community so that legal protection for children can run more effectively, fairly, and truly in the best interests of children.

In the study of criminal law and child protection, the implementation of legal protection for child victims of sexual violence cannot be separated from various expert views that emphasize the importance of comprehensive and victim-oriented protection.

According to Arif Gosita, the protection of crime victims, especially children, must be placed as an important part of the criminal justice system because victims have the right to physical, psychological, and social recovery due to the crimes they experienced. This approach emphasizes that the victim's child is not only positioned as a means of proof but as a subject who is obliged to obtain state protection.

In line with that, Satjipto Rahardjo emphasized that the law must basically function as a tool of social engineering that provides protection to vulnerable groups, including children who are victims of sexual crimes. In this context, the law must not stop at the normative level, but must be able to provide real protection that can be felt directly by the community. Meanwhile, Barda Nawawi Arief emphasized that criminal policy in handling crime must be oriented towards social defence and individual protection, so that the handling of cases of sexual violence against children must be carried out with a humane approach and not cause victimization. This shows that the law enforcement process must pay attention to the balance between the interests of proof and the protection of victims.

According to Soerjono Soekanto, the effectiveness of law enforcement is influenced by five main factors, namely the legal factors themselves, law enforcement

officials, facilities and infrastructure, society, and culture. In the context of protecting children victims of sexual violence, these five factors greatly determine the success of the implementation of legal protection in the field, especially in ensuring that victims obtain their rights optimally. Thus, based on the various opinions of these experts, it can be understood that legal protection for children victims of sexual violence must be seen as an integrated system, not only depending on the rule of law alone, but also on the quality of the apparatus, public awareness, and support for legal facilities and culture that support child protection as a whole.⁸

Legal Protection Theory put forward by Philipus M. Hadjon. According to Hadjon, legal protection is divided into two forms, namely preventive and repressive legal protection. Preventive protection is intended to prevent rights violations, while repressive protection aims to resolve disputes or violations that have occurred through legal mechanisms. In the context of child victims of sexual violence, legal protection does not only stop at the law enforcement process after the incident occurs, but also includes preventive efforts so that children do not become victims again.

⁸ *Ismantoro Dwi Yuwono, The Application of Law in the Case of Sexual Violence Against Children, (Yogyakarta: Pustaka Yustisia, 2015), p. 7*

According to Lawrence M. Friedman, it is also very relevant to be used in analyzing the implementation of legal protection. Friedman stated that the legal system consists of three main elements, namely legal structure, legal substance, and legal culture. The legal structure relates to law enforcement agencies such as the police, prosecutor's office, and courts. The substance of the law is related to the laws and regulations that regulate child protection, while the legal culture concerns the attitude and awareness of the law to the public. In cases of sexual violence against children, failure to protect often occurs not only because of weak legal rules, but also because of the legal culture of society that still covers up cases and officials who are not optimal in carrying out their duties.

According to John Rawls in his book *The Theory of Justice*, on the basis of analysis. Rawls emphasized the concept of *justice as fairness*, which is that justice must provide protection to the weakest or most vulnerable groups in society. Children who are victims of sexual violence are a vulnerable group that needs special protection from the state. Therefore, the state is obliged to provide more protective treatment to ensure the fulfillment of victims' rights, both in the judicial process and post-incident recovery. Therefore, law enforcers must provide clarity, not multi-interpretation, and can be implemented consistently. In the context of child protection, legal certainty is very important so that law

enforcement officials have clear guidelines in handling cases of sexual violence against children, so that there are no differences in interpretation that can harm the victim.

In the Theory of the Criminal Justice System, it is also an important basis in looking at the implementation of legal protection. This theory views that the law enforcement process is a system that is interconnected between the police, prosecutor's office, courts, and correctional institutions. If one of the components does not run optimally, then legal protection for victims will not be effective. In the case of child victims of sexual violence, inter-agency coordination is a key factor so that the legal process runs quickly, precisely, and does not cause additional trauma to the victim. Thus, it can be concluded that these various theories complement each other in explaining that the legal protection of child victims of sexual violence does not only depend on normative aspects, but also on the legal structure, legal culture, substantive justice, and the effectiveness of the criminal justice system as a whole.

D. CONCLUSION

1. The implementation of legal protection for minors victims of sexual violence in Kronjo District, Tangerang Regency basically has a fairly strong and comprehensive legal foundation as stipulated in laws

and regulations regarding child protection and the criminal justice system. However, in practice, the implementation of the protection has not been running optimally.

This can be seen from the fact that there are still obstacles in the process of handling cases, starting from the reporting stage to the recovery of victims, such as the low courage of victims to report, limited facilities and resources of psychological assistance, and the lack of maximum coordination between related institutions. In addition, social and cultural factors also still affect the effectiveness of legal protection, especially related to stigma against victims which causes many cases to not be fully revealed. Thus, it can be concluded that although normatively legal protection for children victims of sexual violence has been well regulated, empirically its implementation still requires strengthening, both in terms of law enforcement, institutional, and public awareness, so that the protection provided is truly effective, comprehensive, and fair for victims.

2. The factors faced in the implementation of legal protection of minors victims of sexual violence, it can be concluded that the implementation of legal protection still faces various obstacles that are complex and multidimensional. These obstacles are not only derived from legal aspects, but are also influenced by institutional factors, human resources,

socio-cultural, economic, and psychological conditions of the victims. Normatively, the regulations governing child protection are actually quite adequate, but in practice there is still a gap between the rule of law and its application in the field. This can be seen from the lack of optimal coordination between law enforcement officials, the lack of uniform understanding in handling children's cases, and the application of the principle of the best interest of the child. In addition, socio-cultural factors of the community who still consider cases of sexual violence as a disgrace have also caused a low level of case reporting. This condition is exacerbated by the economic limitations of the victim's family and the psychological trauma experienced by the child, thus hindering the process of handling cases optimally. So that it can be concluded that the implementation of legal protection for child victims of sexual violence is still not running effectively. It is necessary to strengthen synergy between institutions, increase the capacity of law enforcement officials, and change the mindset of the community so that legal protection for children can be carried out more optimally, fairly, and provide maximum protection for victims.

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