



# Legal Protection for Minors Victims of Sexual Harassment or Rape at the Sukoharjo Police Department

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**Abstract:** Children are God's creations that must be protected by each because of their limitations, one of which is legal protection for children to receive some kind of violence. Receiving child violence has a negative impact on the child's future. I wrote this to determine the need for legal protection for child victims of sexual abuse in accordance with applicable legal regulations. Therefore, the state provides legal protection, all children are bound by law Law Number 31 of 2014 concerning amendments to Law Number 13 of 2006 concerning the protection of children and victims Number 35 of 2014 to prevent violence and abuse against children.

**Keywords:** Minors Victims; Sexual Harassment; Legal Protection.

## 1. Introduction

At this time, the existence of children in the community environment needs to get extra attention both from the family and from outside the family environment, especially in carrying out control or supervision of the behavior of children who are in the period of searching for their identity. Children need protection from the negative impacts of rapid development, the flow of globalization in the field of communication and information, advances in science and technology and changes in the style and way of life of some parents who have brought about fundamental social changes that greatly influence the values and behavior of children (Lathifah Azhar Saptaningrum, 2023). According to Soetiono, legal protection is an action or effort to protect society from arbitrary actions by the authorities that are not in accordance with the rules of law to realize order and peace so that humans can enjoy their dignity as human beings (Sopaheluwakan, 2021).

Problems with children are always a concerning highlight when connected with the many victims, especially if the victims are also children (Susila et al., 2024). Childhood is a time to find their identity, sometimes a child is easily influenced by the situation and conditions of the surrounding environment so that if the environment where the child is bad, it can influence children's actions such as triggering unlawful acts. Of course, this can be detrimental to themselves and also to society (W. T. A. Putri, 2021)(Elpemi & Isro'i, 2020). Criminal acts or crimes committed by children are deviations known as Juvenile Delinquency which is formulated as a behavioral disorder that is asocial and can drag them into dealing with law enforcement officers (Unayah & Sabarisman, 2015)(Mulyadi, 2018).

Immoral crimes such as acts of sexual abuse committed by children are regulated in Article 76 E of Law Jo Article 82 paragraph (1) of Law No. 35 of 2014 concerning child protection (PANJAITAN et al., 2023)(Cahya & Sambas, 2023). Acts of sexual abuse

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committed against children are one of the social problems that are very disturbing for society, so that serious preventive and mitigation measures are needed by the government (P. D. Putri et al., 2018)(Adinda et al., 2023). The high level of sexual abuse crimes that occur is due to the weak psychological condition of a child which is caused by several factors, one of which is the internet media such as social media (Amalia, 2019)(Ulfah, 2020). Social media is one of the biggest causes of immoral crimes by children (Amin et al., 2018). This is because it is easy to access pornographic films without supervision by parents, which tends to cause children to fantasize and not be able to control themselves and not be able to see that what they are doing is a crime that violates norms of decency. Indecent acts are all acts that violate decency or morality but also any act against the body or with the body itself or the body of another person that violates decency (Ayuningtyas & Parman, 2019)(Wowiling, 2021). Indecent acts are one of the names of various types of acts that violate decency or morality and also include acts extramarital sex (Fatura, 2019)(Widayati, 2019).

The definition of indecent acts or lewd acts according to several experts is different, here is the explanation Malawati (2005:26) explains that the forms of sexual abuse are quite diverse, there are several types of terms for sexual abuse, namely: a). Exhibitionism: Intentionally showing off genitals to other people; b) Voyeurism: Kissing someone passionately; c). Fondling: Stroking/touching someone's genitals; d). Fellatio: Forcing someone to make oral contact (Sofiana, 2024). Muh. Anwar stated that "All acts that violate morality/decency, but also every act against one's own body or another person's body, violates decency and is an obscene act" (Ramdhani, 2017). Adami Chazawi (2005:80) states that indecent acts are all forms of acts, whether committed to oneself or to others concerning and related to oneself or to others concerning and related to 12 genitals or other body parts that can stimulate sexual desire. For example, stroking or rubbing the penis or vagina, holding breasts, kissing a woman's mouth and so on. Even sexual intercourse can be called indecent acts. Except in Article 289 of the Criminal Code (KUHP), because if the act is forced and aimed at having sexual intercourse, sexual intercourse occurs then it is not Article 289 of the Criminal Code that appears, but rape for sexual intercourse which is contained in Article 285 of the Criminal Code (Azizih & Wibowo, 2023). R. Soesilo provides an explanation of indecent acts, namely all acts that violate morality (decency) or are vile acts, all of which are linked to sexual lust (Ibrahim et al., 2023). Molestation is regulated in Article 289 to Article 296 of the Criminal Code in the Chapter on Crimes against Morality. Article 289 of the Criminal Code states, "Anyone who by violence or threat of violence forces someone to commit an act that attacks moral honor, shall be punished by imprisonment for a maximum of 9 years". The crime of molestation is included in the complaint offense. The complaint offense is divided into 2 forms, namely the absolute complaint offense, which means a criminal act whose prosecution can only be carried out if there is a complaint from certain parties. The elements of the crime of indecent assault as regulated in Article 289 of the Criminal Code are: a).Whoever; b). With violence or with the threat of using violence; c). Forcing someone; d). To carry out actions that violate morality or; e). To allow actions that violate morality.

By looking at the consequences experienced by the crime of child molestation/rape, at this time law enforcement against perpetrators of child molestation from the investigation level, prosecution and examination in court, both investigators, public prosecutors and judges apply the provisions of the articles of Law Number 23 of 2002 concerning Child Protection, where the articles that regulate this problem are among others found in: a). Article 81 which reads:(1) Any person who intentionally uses violence or threatens violence to force a child to have sexual intercourse with him or another person shall be punished by imprisonment for a maximum of 15 years and a minimum of 3 years and a fine of a maximum of IDR 300,000,000.00 (three hundred million Rupiah) and a minimum of IDR 60,000,000.00 (sixty million Rupiah). (2) The criminal provisions as referred to in paragraph (1) also apply to anyone who intentionally commits a series of lies or persuades a child to have sexual intercourse with him or another person. b). Article 82 which reads: Any person who intentionally commits violence or threats of violence, forces, commits trickery, a series of lies or persuades a child to commit or allow an indecent act to be committed, shall be punished with imprisonment for a maximum of 15 years and a minimum of 3 years and a fine of a maximum of Rp. 300,000,000.00 (three hundred million rupiah) and a minimum of Rp. 60,000,000.00 (sixty million rupiah). Formulation of the problem are a). What happens if a child becomes a victim of sexual harassment or rape at the Sukoharjo Police?; b). How is legal protection implemented for child victims of sexual abuse?; c). That is the impact of sexual harassment and rape on children in Sukoharjo district?.

## **2. Materials and Methods**

This research method uses a Qualitative research method, which is a way or method of research that emphasizes analysis or descriptive in a qualitative research process, things that are of a subject perspective are more emphasized and the theoretical basis is used by researchers as a guide, so that the research process is in accordance with the facts found in the field when conducting research. Qualitative research methods aim to explain a phenomenon in depth and are carried out by collecting data as deeply as possible. Qualitative methods prioritize observation of phenomena and examine more into the substance of the meaning of the phenomenon.

The nature of this research is descriptive. Descriptive research is research conducted to determine the value of independent variables, either one or more variables without making comparisons, or connecting one variable with another.

According to Whitney, the descriptive method is a fact-finding with proper interpretation. Descriptive research studies problems in society and the procedures that apply in society and certain situations, including relationships, activities, attitudes, views, and ongoing processes and the influences of a phenomenon.

### **2.1 Research Approach**

The research approach is an empirical normative approach. An empirical approach is a research approach used to describe conditions seen in the field as they are. An empirical approach will also provide a framework of evidence or testing to ensure a truth. This empirical approach is expected to be able to explore data and information as much as possible about the enforcement of Juvenile Justice at the Sukoharjo Police.

## 2.2 Data Types

Qualitative data is information about an object or subject that cannot be counted with numbers, but can be seen or felt. This data is usually collected through text, images, audio, and video. Qualitative data is also called "categorical data". This means that this data is used to categorize something based on descriptions and adjectives. Indeed presents 3 types of qualitative data, including: Nominal data, ordinal data and Binary data. In this study, the author uses the Ordinal Data type. Ordinal data is data that is categorized on a certain scale or order. Several types of data taken can be sorted based on their position on the data scale produced from the results of a survey of cases of legal protection for victims of sexual harassment or rape is one example of ordinal data. Even though the data is in the form of a scale, you still cannot do statistical analysis with this data, because the position of the data is still relative.

## 2.3 Data collection technique

Data collection techniques are the most important step in research, because the main purpose of this research is to obtain data. Therefore, the research techniques that the author uses to collect data in this research are as follows:

### a. Observation

Observation is a complex process, a process that is composed of various biological and psychological processes. Observation is used so that researchers can obtain facts in the field in accordance with the application of Juvenile Justice law, especially at the Sukoharjo Police.

### b. Interview dialogue,

Questions and answers between researchers and respondents in earnest. The interviews conducted by the author were aimed at the PPA Unit of the Sukoharjo Police Criminal Investigation Unit with questions revolving around cases of victims of sexual harassment or rape of minors at the Sukoharjo Police on November 22, 2024.

### c. Documentation Study

Documents are records of past events. Documents can be in the form of images or works. Documents in the form of images such as photos, still images, sketches and others. While documents in the form of works for example works of art in the form of images, statues, films and others. Document studies are a complement to the use of observation and interview methods in qualitative research.

### d. Literature Study

Literature studies are used by authors in research with the aim of revealing various theories that are relevant to the problems being faced or researched as reference material in discussing research results.

### e. Data Analysis Techniques

The nature of analysis in qualitative research is the description of the phenomena that occur as they are (descriptive) accompanied by an interpretation of the meaning contained behind the appearance (interpretive). Data analysis used in this study is descriptive analysis, where the purpose of this analysis is to describe systematically, factually and accurately the facts and relationships between the phenomena being investigated. The analysis was carried out after the data needed in this study were

collected. The data obtained regarding the stages of implementation of the law on the Protection of minors who are victims of sexual harassment or rape at the Sukoharjo Police.

### 3. Results and Discussion

#### 3.1. *What happens if a child becomes a victim of sexual harassment or rape at the Sukoharjo Police?*

Crimes committed by adults against children often appear in society in the form of crimes against morality, crimes of indecency, crimes of sexual intercourse and crimes of rape. Both crimes against children and crimes by adults against children according to Law Number 11 of 2012 which has now been replaced by Law Number 35 of 2014 are still processed legally, and the examination process from investigation to arrest and detention even examination in court according to Law Number 35 of 2014 and the trial in this child case both against children who commit crimes and crimes committed by the accused adults against children, especially in crimes against morality or the victim is a child, the trial is closed. According to Law Number 35 of 2014 concerning child protection which has been amended by Law Number 23 of 2002 concerning the second amendment to Law Number 17 of 2016 concerning Child Protection: (a) Every child has the right to receive protection in educational units from sexual crimes and violence committed by investigators, education personnel, fellow students and/or other parties (Article 9 paragraph (1)a), (b) Every child has the right to receive protection from sexual crimes (Article 15 letter f), (c) The government, regional governments and other state institutions are obliged and responsible for providing special protection to child victims of sexual crimes (Article 59 paragraph (2) letter j), (d) 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 support during treatment until recovery; And (d) Provision of protection and assistance at every level of examination, starting from investigation, prosecution, to examination in court (Article 69A)

#### 3.2. *How is legal protection implemented for child victims of sexual abuse?*

Law enforcement, namely the police in targeting perpetrators of crimes committed against children, investigators will use Law on Child Protection Number 23 of 2002 which was later replaced by Law Number 35 of 2014. The justice system in examining child cases, whether the perpetrator is a child against a minor or the defendant is an adult while the victim is a child, the trial is carried out in private even though the perpetrator is an adult, but if the crime committed is a crime against morality against children, the trial system is still used with a closed trial. Child sexual abuse according to law is a crime in which adults are involved in sexual activities involving minors exploiting minors for adult sexual satisfaction.

This act is a very immoral act because it involves children who are still minors in sexual activities that they should not know about or feel. There are many impacts for victims of sexual harassment, because they can be charged with multiple articles due to the presence of special regulations regarding children. In the Criminal Code, rape or

sexual intercourse committed by adults is basically regulated in Article 294 paragraph (1) of the Criminal Code (KUHP), which reads: "Anyone who commits an obscene act with his child, step-child, adopted child, a child under his supervision who is not yet an adult, or with a minor whose care, education or care is entrusted to him or with his servant or subordinate who is not an adult, is threatened with a maximum imprisonment of seven years."

Likewise, perpetrators who commit sexual harassment against children under the age of 15 can be charged with Article 287 of the Criminal Code which states: "Anyone who has sexual intercourse with a woman outside of marriage, even though he knows or should have suspected that she is not yet fifteen years old, or if her age is not clear, that she is not yet ready to marry, is threatened with a maximum prison sentence of nine years." Law Number 23 of 2002 concerning child protection as amended into Law Number 35 of 2014 concerning the amendment on the basis of Law Number 32 of 2002 concerning Child Protection (PERPU Number 1 of 2016) as stipulated as Law with Law Number 17 of 2016 concerning the stipulation of Government Regulation in lieu of Law Number 1 of 2016 concerning the second amendment to Law Number 23 of 2002 concerning Juvenile Justice into Law (Law Number 17 of 2016).

Harassment including biological children according to this law can be ensnared in several legal provisions, namely Article 76D of Law Number 35 of 2014 which states that: "Everyone is prohibited from committing violence or threats of violence to force a child to have sexual intercourse with him or with another person". Article 81 of PERPU Number 1 of 2016 which states that anyone who violates the provisions as referred to in Article 76D shall be punished with imprisonment of at least 5 years and a maximum of 15 years and a maximum fine of IDR 5,000,000,000.00 (Five billion rupiah). Children's Rights according to Law Number 23 of 2002 concerning child protection (Articles 4- Article 18): Every child has the right to live, grow and develop, participate fairly in accordance with human dignity and dignity and receive protection from violence and discrimination.

Every child has the right to a name as a self-identity and citizenship status. Every child has the right to worship according to his/her religion, to think and express himself/herself according to his/her level of intelligence and age under the guidance of his/her parents. Every child has the right to live, survival and development are the most basic human rights for children which are protected by the state, government, society, family and parents. Every child has the right to receive health services and social security according to their physical, mental, spiritual, and social needs. Children with disabilities also have the right to receive special education, while children with advantages also have the right to receive special education. Every child has the right to express and have their opinions heard, receive, seek, and provide information according to the child's intelligence level and age for their self-development in accordance with moral and propriety values. Every child has the right to rest and use their free time to socialize with children of the same age, play, recreate and be creative according to their interests, talents and intelligence levels for their self-development. Every child with disabilities has the right to receive rehabilitation, social assistance, and maintenance of social welfare levels. Every child while in the care of parents, guardians

or any other party responsible for their care has the right to receive protection from discrimination, exploitation, both economic and sexual, neglect, cruelty, violence, and abuse, injustice, and other mistreatment.

Every child has the right to be raised by both of his/her own parents unless there is a valid reason or legal regulation indicating that the separation is in the best interests of the child and is a final consideration. Every child has the right to receive protection from abuse in political activities, involvement in armed conflict, involvement in social unrest, involvement in events containing elements of violence and involvement in war. Every child has the right to receive protection from means of persecution, torture, or inhumane punishment. Every child has the right to obtain freedom in accordance with the law. Arrest, detention, or criminal acts of imprisonment of children are only carried out in accordance with applicable law and are only carried out as a last resort.

Every child who is deprived of his/her liberty has the right to receive humane treatment and be placed separately from adults, receive legal assistance and other assistance effectively in every stage of the applicable legal process and defend themselves and obtain justice before an objective and impartial children's court in a closed trial for the public, every child who is a victim or perpetrator of sexual violence who is in conflict with the law has the right to confidentiality, every child who is a victim or perpetrator of a crime has the right to receive legal assistance and other assistance, children have the right to life, survival, and development are the most basic human rights for children that are protected by the state, government, society, family and parents.

### *3.3. What is the impact of sexual harassment and rape on children in Sukoharjo district?*

From the several forms of violence above, we will see several impacts that can occur: (a) Children develop adaptation patterns and false beliefs according to the socialization they receive, for example: children will consider adult behavior normal, imitate actions taken to them, blame their mother or the adults who raised them who they think did not protect them from the bad things they experienced. What often happens is feeling guilty, feeling responsible for the events they experienced, considering themselves strange and born unlucky. (b) The child feels betrayed. If the perpetrator of violence is someone close and trusted, especially the parent, the child will develop feelings of betrayal, and eventually show fear and distrust of other people and life in general. This will have a huge impact on socialization skills, happiness and almost all dimensions of psychological life in general. (c) Stigmatization is on the one hand, society that knows the child's life history will see him/her with different glasses, for example with a feeling of pity and at the same time belittling him/her, or avoiding him/her. On the other hand, the child develops a negative image of himself/herself. The child feels ashamed and inferior and believes that what happened to him/her is because there is something wrong with him/her (for example, seeing himself/herself as an unlucky child). (c) Sexual traumatization, namely exposure to sexual experiences too early and also happening incorrectly, can have an impact on the emergence of sexual trauma. Sexual trauma can be displayed in two forms of sexual inhibition, namely obstacles to being

interested in and enjoying sex or sexual disinhibition, namely obsession and excessive attention to activities or things related to sexual relations.

Social and Psychological Impacts, namely victims of immoral crimes often experience deep psychological trauma. The long-term impacts of sexual violence can include depression, anxiety, post-traumatic stress disorder (PTSD), as well as problems with trust and social relationships. Children who are victims are also at risk of experiencing developmental disorders and poor academic achievement.

#### 4. Conclusions

The many cases of immoral crimes in Indonesia against minors as parents must pay attention, take good care of our children and equip them with Faith and Piety towards God Almighty, keep them away from negative things and unhealthy environments that have negative impacts. prohibit children from freely associating with their friends, especially with the rapid technology in the current era, many cases occur via social media, communicating with many people, then getting to know each other, then rape or murder occurs, therefore the family must play an active role in supervising, accompanying and educating children. As well as the active role of community elements is also very much needed to create a safer environment for everyone, especially children and women. For perpetrators who still commit crimes, they will deal with law enforcement officers, namely the Police and will be tried in the local court or where the case occurred.

If the perpetrator is still a minor, the trial will be held in private. The judge, prosecutor and legal advisor will not wear a toga. The general prosecutor is also a special one who has a decree from his superior as a special prosecutor for children. In the trial of children, it is carried out by a single judge or a panel if the circumstances dictate otherwise. In the trial of children's criminal cases, after the indictment has been read and before the case examination process begins, a report from the community counselor must be read. The judge orders the community counselor to read the report on the results of the community research regarding the child concerned or the child as the defendant. The decision of the judge in the trial of children's courts is that the criminal threat is half that of a person. Based on the case that I researched at the Sukoharjo Porlesta, the perpetrator was caught under Article 81 paragraph (1) in conjunction with Article 76D and/or Article 82 in conjunction with Article 76E of Law Number 17 of 2016 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection into Law according to the decision of the Sukoharjo District Court Number 41/Pid.sus/2024/PN Skh dated June 4, 2024.

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