



## Implications of Victim Protection in Handling Crimes of Sexual and Monothesis Against Minors

M. Candra Gunawan Sitorus<sup>1</sup>, Parameshwara Parameshwara<sup>2</sup>, Bachtiar Simatupang<sup>3</sup>,  
Erniyanti Erniyanti<sup>4</sup>, Soerya Respationo<sup>5</sup>

<sup>1,2,3,4,5</sup> Postgraduate Master of Law, University of Batam, Indonesia

**ABSTRACT.** *The handling of the crime of sexual intercourse and molestation of minors is a crucial issue that requires serious attention from various parties. The background of this study is the high rate of sexual violence against minors in the Bareleng Police area and the need to evaluate the implementation of victim protection in this context. The purpose of this study is to analyze the implications of victim protection in handling the crime of sexual intercourse and molestation of minors in the Bareleng Police, as well as to identify obstacles and efforts made to improve this protection. The research method used is normative juridical through library research using secondary data, and also uses an empirical juridical approach through field research using primary data collected through interviews with law enforcement officials, psychologists, victims, and victims' families. Secondary data was obtained from official documents of the Bareleng Police, case reports, and related literature. Data analysis was carried out using qualitative descriptive methods to provide a comprehensive picture of the condition of victim protection and its implications. The results of the study show that although there are serious efforts by the Bareleng Police in providing protection to victims, there are several significant obstacles that reduce the effectiveness of these protections. The main obstacles include a lack of adequate psychological assistance, lengthy and convoluted legal processes, a lack of public awareness, and ineffective coordination between related institutions. The implications of these barriers include prolonged psychological suffering for victims, a decline in public trust in the justice system, and a lack of justice for victims. Suggestions given to overcome these obstacles include: capacity building and training of law enforcement officials, education and awareness campaigns in the community, and strengthening victim protection systems and facilities by the government. It is hoped that with the implementation of these suggestions, victim protection can be improved, so that justice and welfare for children victims of sexual violence can be realized more optimally.*

**Keywords:** *Implications, Victim Protection, Crime of Intercourse and Child Molestation*

### 1. INTRODUCTION

The crime of sexual intercourse and molestation of minors is a serious crime that threatens the welfare and future of children. This act of sexual violence causes psychological trauma and long-term impacts on the victims. Protection for victims of this crime is a top priority to ensure their rights and safety are guaranteed. Children are very vulnerable to violence committed by people around them, in public spaces, and even in their own homes. Violence against children predominantly occurs in households that can actually provide a sense of security, and what is very regrettable is that cases of violence against children that have so far been considered normal problems and not considered criminal acts, and often occur, namely acts of violence against children accompanied by criminal acts of molestation of children (Primautama Dyah Savitri, 2016).

Philosophically, children are the future of the nation, and as the next generation of the struggle, a child who has problems means becoming a problem for the nation, therefore the best interests of the child are the interests that must be prioritized in dealing with children

who have problems or who are in conflict with the law. Children as the younger generation are an effort to prepare and realize the future of the nation and state, but if children do not get enough attention from their closest environment, it is easy for them to do things that deviate from the legal norms that apply in society. Against people who violate the rules and cause harm to others, action will be taken in the form of compensation or fines, while for someone who commits a crime, criminal sanctions will be imposed in the form of corporal punishment, either imprisonment, detention or a fine (Maidin Gultom, 2018).

In the development of children who are increasingly adults, various negative phenomena occur and disturb their lives. Various social deviations that exist in our society today are increasingly occurring and mostly affect children. Although Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection has been issued. Perpetrators of sexual violence still dare to carry out their actions anywhere, anytime and to anyone, especially children.

Although there are laws and regulations governing the protection of children and victims of sexual violence, their implementation still faces various challenges. Many cases of criminal acts of sexual intercourse and child molestation are not reported, there is a lack of support for victims, or even a lack of understanding of the importance of protection for victims. A victim is someone who experiences mental or physical suffering, or experiences death due to an act, loss of property. So, in this case "a person who experiences physical suffering and so on is a victim of a crime. Furthermore, legally the definition of a victim is included in Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims. Their rights and protection issues in protecting Indonesian children. Children's rights so that legal protection can be carried out regularly, orderly and responsibly, legal regulations are needed that are in line with the development of Indonesian society which is fully inspired by Pancasila and the 1945 Constitution of the Republic of Indonesia. Therefore, Article 34 of the 1945 Constitution of the Republic of Indonesia has emphasized that "the poor and neglected children are cared for by the State" (M.Nasir Djamil, 2013).

This study aims to conduct an in-depth analysis of the implications of victim protection in handling criminal acts of sexual intercourse and molestation of minors. This study will explore how the legal system and law enforcement officers face challenges in providing effective protection for victims. In addition, this study will also analyze what factors influence victim participation in the legal process and how the public understands this issue. With a better understanding of the implications of victim protection in handling crimes

of sexual intercourse and child molestation, it is hoped that this study can provide a positive contribution in efforts to improve protection for victims and ensure justice for them. The results of this study are expected to be the basis for improving policies, legal practices, and support systems for victims to face and recover from the traumatic impacts of this crime.

Based on the background description above, the author raises several problems that will be discussed further. The problems are as follows:

1. How are the legal arrangements for victim protection in handling criminal acts of sexual intercourse and molestation against minors?
2. What are the implications of victim protection in handling criminal acts of sexual intercourse and molestation against minors?
3. What are the obstacles and efforts to protect victims in handling criminal acts of sexual intercourse and molestation against minors?

Based on the formulation of the problem stated above, it can be seen that the objectives of this research are:

1. To find out and analyze the legal regulations for victim protection in handling criminal acts of sexual intercourse and molestation against minors.
2. To find out and analyze the implications of victim protection in handling criminal acts of sexual intercourse and molestation against minors.
3. To find out and analyze the obstacles and efforts to protect victims in handling criminal acts of sexual intercourse and molestation against minors.

## **2. LITERATURE REVIEW**

Legal protection is providing protection for human rights that are harmed by others and this protection is given to the community so that they can enjoy all the rights granted by law or in other words, legal protection is various legal efforts that must be given by law enforcement officers to provide a sense of security, both mentally and physically, from disturbances and various threats from any party. This study uses the theory of legal protection on the grounds that the law protects a person's interests by allocating his power to him, to act in the interests of his interests, and those interests are the target of rights. Fitzgerald explains: "That the law aims to integrate and coordinate various interests in society by limiting the variety of interests such as in a traffic interest on the other" (Peter Mahmud Marzuki, 2018). This means that the law aims to integrate and coordinate various interests in society by limiting the variety of interests because in a traffic of interests, protection of those interests can only be done by limiting the interests on the other side. Legal protection pursued through

legislation has a legal basis underlying it. Likewise, legal protection pursued through efforts to create and include steps through legislation that has a purpose, scope planned through strategy and policy. All of these things can be found in every legislation that is primarily held with the same purpose, namely legal protection.

Social interests are legal order, national security, economic protection of society, protection of religion, morals, human rights, results of discoveries, health and racial unity, environment, individual interests, family interests. "With the guarantee of freedom and equality for all people, justice will be realized (Setiono, 2004). According to Setiono, legal protection is an action or effort to protect society from arbitrary actions by the authorities that are not in accordance with the rule of law, to realize order and peace so that humans can enjoy their dignity as human beings. Law enforcement and justice must use the right line of thought with evidence and evidence to realize legal justice and the contents of the law must be determined by ethical beliefs, whether a case is fair or not. Legal issues become real if legal apparatuses implement them properly and fulfill, comply with the rules that have been standardized so that there is no deviation from the rules and laws that have been carried out systematically, meaning using legal codification and unification in order to realize legal certainty and legal justice (Ishaq, 2009)

Child protection is attempted by everyone, be it parents, family, society, government or the state. Article 20 of the Child Protection Law stipulates: "The State, Government, Regional Government, Society, Family, and Parents or Guardians are obliged and responsible for the implementation of Child Protection." So those who attempt child protection are every member of society according to their abilities with various efforts in certain situations and conditions. Every citizen is responsible for the implementation of child protection for the welfare of the child itself. Child happiness is shared happiness, protected happiness is protecting happiness. There is no anxiety in children, because child protection is carried out well, children become prosperous. Child welfare has a positive influence on parents, families, communities, governments, and countries. Child protection is beneficial for children and parents, families, communities, governments, and countries.

Efforts to protect children need to be continuously pursued in order to maintain the welfare of children, considering that children are one of the valuable assets for the progress of a nation in the future. The quality of protection for children should have the same degree or level as protection for adults, because everyone has the same position before the law. Therefore, the state together with the entire community works together to provide protection to children from various forms of violence committed by irresponsible people who use

children as a place for their crimes. As stated in Article 1 number 2 of Law Number 17 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection, child protection can be realized if it receives support and responsibility from various parties. The support needed to realize the protection of children's rights in Indonesia is regulated in Article 20 of Law Number 17 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection, which states that the state, government, local government, community, family, and parents or guardians are obliged and responsible for the implementation of child protection.

Diversification of clear age limits is very necessary so that it can be used as a guideline in defining a child. The age limit of a child is a grouping of the maximum age as a manifestation of the child's ability in legal status, so that the child changes status to adulthood or becomes a legal subject who can be independently responsible for the actions and legal actions carried out by the child (Maulana Hassan Wadong, 2010). Children who are victims of criminal acts, hereinafter referred to as child victims, are children under 18 (eighteen) years of age who experience physical, mental and/or economic suffering caused by criminal acts. This definition is contained in Article 1 point (4) of Law Number 11 of 2012 concerning the Child Criminal Justice System.

Children who do not have parents have the right to receive care from the state or individuals or bodies and children who are unable to do so have the right to receive assistance so that they can grow and develop naturally in their family environment (Maulana Hassan Wadong, 2010). Children's rights can be built from the general understanding of rights into the following understanding: "Children's rights are a will owned by a child that is equipped with power (*macht*) and which is given by the legal system/legal order to the child concerned."

Special protection for children who are victims of violence including physical, psychological, and sexual violence is carried out through efforts to disseminate and socialize the provisions of the Laws and Regulations that protect children who are victims of violence; and monitoring, reporting, and imposing sanctions. Special protection for children who are victims of mistreatment and neglect is carried out through supervision, prevention, care, and rehabilitation by the government and society. Children's rights are part of human rights that must be guaranteed, protected, and fulfilled by parents, society, government, and the state. Every child has the right to develop according to their talents and interests, parents have full responsibility for the growth and development of their children who are not yet adults. This responsibility gives parents the obligation to do the best for their children.

### **3. RESEARCH METHOD**

The specification of this research only conducts analysis up to the level of synthesis, namely analyzing and presenting facts systematically so that they can be more easily understood and concluded. Research Specifications or it can be said that the Type of Research is a choice of research format type in researching research objects in the field of legal science studied by the researcher.

The approach method in this study is a combination of the normative approach "legal research" with the empirical approach method "Juridical Sociologies". The research mechanism with this combined approach is carried out by explaining the explanation of the inductive research method leading to the deductive method and vice versa. This is done by the author to help explain the relationship between research variables and research objects so that it can produce an understanding that is very helpful for readers, especially researchers and academics.

The location of this research was carried out in the Riau Islands Province, precisely in the jurisdiction of the Barelang Police. The determination of the location was determined based on the handling of criminal cases of sexual intercourse and molestation of minors. The population is all law enforcement officers involved in handling criminal cases of sexual intercourse and molestation of minors in the jurisdiction of the Riau Islands Regional Police (Polda).

This type of research is included in the combined research category between normative legal research (library research) and observational research, while in terms of its nature it is analytical, where the author makes efforts to explore verbal data sourced from literature obtained from libraries and data obtained in the field, then analyzed to obtain conclusions deductively (Noeng Muhajir, 2010). The data and data sources used in this study are primary data<sup>74</sup> and secondary data.

In this study, data analysis is carried out qualitatively by describing the research, then conducting a comparison between the data and legal theories, legal experts and laws and regulations, where the analysis begins with data collection, data processing and finally data presentation. While the conclusion drawing will use the deductive method, namely the author takes data, statements, opinions, which are general in nature and then draws specific conclusions.

#### **4. RESULTS AND DISCUSSION**

##### **Legal Regulations for Victim Protection in Handling Criminal Acts of Sexual Intercourse and Molestation of Minors**

The crime of sexual intercourse and molestation of minors is a very serious crime and requires strict handling. Legal regulations regarding the protection of victims in this case in Indonesia are regulated in several laws, which provide a legal basis for the protection of children as victims. Article 81 of Law Number 17 of 2016 concerning Child Protection regulates the criminal threat for perpetrators of sexual intercourse with minors. In this article, it is stated that anyone who intentionally has sexual intercourse with a child can be subject to a minimum of five years and a maximum of fifteen years in prison and a maximum fine of five billion rupiah. This article also regulates the aggravation of the criminal penalty if the perpetrator is a person who has a family relationship with the victim, a person who has a work relationship, or a person who has power over the victim, for which the penalty can be increased by one third of the main criminal threat.

In addition, if the obscene act causes the child to suffer serious injury, mental disorders, infectious diseases, impaired or loss of reproductive function, or death, then the perpetrator can be subject to life imprisonment or the death penalty. Emphasis on Child Protection These two articles emphasize the importance of providing maximum legal protection to children as victims of sexual crimes. The threat of severe criminal penalties and the existence of provisions for increasing punishment for perpetrators who have a special relationship with the victim reflect the seriousness of the law in protecting children's rights.

The implementation of this protection must be carried out by considering the best interests of the child. Article 59C of the Child Protection Law provides guidelines on the mechanisms and steps that must be taken by authorities in protecting children who are victims of violence or exploitation. This article stipulates that child victims must be immediately protected and separated from the perpetrators of violence or exploitation, and receive protection services that are appropriate to their needs. The government and related institutions must provide a safe place, rehabilitation services, and legal assistance for child victims. In addition, Article 59C also emphasizes the importance of coordination between various related agencies to provide effective and holistic protection to child victims.

## **Implications of Victim Protection in Handling Criminal Acts of Sexual Intercourse and Molestation of Minors**

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 Child Protection, provides a strong legal basis to protect children from various forms of violence and exploitation. Articles 81 and 82 of the Child Protection Law regulate the criminal threat for perpetrators of sexual intercourse and molestation of children, with severe penalties to provide a deterrent effect. In addition, Article 88 in conjunction with Article 76i regulates the prohibition of economic and sexual exploitation of children, demonstrating the state's commitment to protecting children from this crime.

Despite a strong legal framework, challenges remain in protecting children from violence and exploitation. Cases often go unreported for a variety of reasons, including fear, stigma, and lack of awareness of children's rights. Therefore, ongoing efforts are needed to raise public awareness of the importance of reporting cases of violence against children and providing the necessary support to victims. In addition, there is a need to increase the capacity of law enforcement officers and service providers to handle cases of violence against children sensitively and effectively. This includes specific training for police officers, medical personnel, and social workers to handle cases of violence against children using a child rights-based approach and trauma-informed care. In this way, it is hoped that legal protection for child victims of violence can be improved and they can obtain justice and proper reparation.

One aspect that is not yet optimal is psychological support for victims. Based on the data, many cases continue to the investigation stage and some reach the court stage, but there is no detailed explanation regarding the psychological support given to victims during this process. In fact, psychological support is very important to help victims overcome the trauma they experience due to sexual violence. Adequate psychological support can help victims recover mentally and emotionally, and give them the strength to participate in the judicial process without fear or stress.

Protection of victims in handling criminal acts of sexual intercourse and molestation of minors has broad and profound implications when analyzed through the theory of the legal system, the theory of criminal responsibility, and the theory of legal certainty. All of these theories emphasize the importance of good coordination between elements of the legal system, fair and appropriate law enforcement, and clarity and consistency in the application of the law. Effective implementation of these three theories will ensure that victims of sexual violence against children receive optimal protection, justice is upheld, and public trust in the

legal system increases.

### **Obstacles and Efforts to Protect Victims in Handling Criminal Acts of Sexual Intercourse and Molestation Against Minors**

One of the main obstacles to victim protection is the lack of adequate psychological support. Victims of sexual and sexual abuse crimes, especially children, often experience deep trauma. Without proper psychological support, this trauma can have long-term impacts on the mental and emotional health of victims. At the Bareleng Police Department, despite efforts to address these cases, psychological support for victims is often inadequate or provided too late. This is due to limited resources, a lack of trained professionals, and minimal facilities for psychological rehabilitation.

Then the long and complicated legal process is a significant obstacle in providing optimal protection to victims. Cases of sexual crimes against children require fast and efficient handling to reduce the psychological impact on victims. Lack of public awareness and education about victims' rights and the importance of reporting sexual crimes is also a major obstacle because many victims and their families do not know their rights or do not understand the legal process that must be followed. In addition, social stigma and shame often make victims reluctant to report cases of sexual violence. At Polresta Bareleng, greater efforts are still needed in public education to raise awareness about children's rights and the importance of reporting sexual crimes. Socialization programs and educational campaigns can help overcome these obstacles.

Obstacles in protecting victims of criminal acts of sexual intercourse and molestation of minors at the Bareleng Police include a lack of psychological assistance, a long and complicated legal process, a lack of public awareness and education, and ineffective coordination between related institutions.

## **5. CONCLUSION AND SUGGESTION**

### **Conclusion**

Based on the discussion in the previous chapter, the following conclusions can be drawn:

- a. Legal arrangements for victim protection in handling criminal acts of sexual intercourse and molestation of minors in Indonesia have been comprehensively regulated through various laws, including Law Number 17 of 2016 concerning Child Protection and Law Number 13 of 2006 concerning Protection of Witnesses and

Victims. These laws provide a strong basis for providing comprehensive protection to victims, including psychological assistance, legal support, and compensation. However, the effective implementation of this protection still faces various obstacles, such as the lack of adequate psychological assistance, lengthy legal processes, lack of public awareness, and ineffective coordination between related institutions.

- b. The implications of victim protection in handling criminal acts of sexual intercourse and molestation of minors at the Barelang Police are very significant and multifaceted. Adequate protection contributes directly to the psychological and emotional well-being of victims, increases public trust in the justice system, and increases the effectiveness of law enforcement. In addition, with optimal protection, victims can recover more quickly and reintegrate into society, reducing the long-term impact of the trauma they experience. However, obstacles such as lack of psychological assistance, complicated legal processes, and lack of coordination between institutions must be overcome to achieve these goals.
- c. Obstacles in protecting victims of sexual and sexual abuse crimes against minors at the Barelang Police include lack of psychological assistance, slow and complicated legal processes, low public awareness, and ineffective coordination between related institutions. In addition, the establishment of a cross-institutional coordination team and an integrated crisis center can ensure that victims receive comprehensive and holistic support. These efforts aim to ensure that victims receive optimal protection and proper justice, as well as increase public trust in the justice system.

### **Suggestion**

From this conclusion, the author can provide several suggestions, namely:

- a. It is recommended that the Barelang Police must continue to improve the capacity and skills of law enforcement officers through training that focuses on handling cases of sexual violence against children. This training must include victim-sensitive investigation techniques, efficient case management, and a deep understanding of the psychological trauma experienced by child victims. In addition, efforts are needed to increase the capacity of law enforcement, intensive public education, and cross-agency cooperation to ensure that victims' rights are well protected and justice can be realized optimally.

- b. It is recommended that the community needs to be more aware and educated about the importance of child protection and the rights of victims of sexual violence. Intensive social campaigns through mass media, social media, schools, and local communities can help raise awareness and encourage reporting of cases of sexual violence. Efforts to increase capacity, public education, and cross-sector cooperation are key to ensuring better victim protection and effective justice enforcement at the Barelang Police
- c. It is recommended that the Government must strengthen systems and facilities that support victim protection, including the establishment of an integrated crisis center that provides medical, psychological, and legal services in one location. In addition, the government needs to improve coordination between related institutions by establishing a cross-sector coordination team and developing an integrated information system that allows for real-time sharing of data and information. Investment in human resources and facilities to support rehabilitation and assistance services for victims is also essential to ensure comprehensive recovery. In addition, the Barelang Police need to improve the capacity of law enforcement through training, accelerate the legal process by simplifying bureaucratic procedures, and increase public awareness through educational campaigns.

## **REFERENCES**

- Dimiyati, K. (2015). *Teorisasi Hukum: Studi Tentang Perkembangan Pemikiran Hukum di Indonesia 1945-1990*. Surakarta: Muhamadiyah University Press.
- Djamil, M. N. (2013). *Anak bukan untuk Dihukum*. Jakarta: Sinar Grafika.
- Friedman, L. M. (2009). *Sistem Hukum dalam Perspektif Ilmu Sosial: "The Legal System: A Social Science Perspective"*. Bandung: Nusa Media.
- Fuady, M. (2013). *Teori-Teori Besar (Grand Theory) dalam Hukum*. Jakarta: Kencana.
- Gultom, M. (2018). *Perlindungan Hukum Terhadap Anak dan Perempuan*. PT. Refika Aditama.
- Ishaq. (2009). *Dasar-Dasar Ilmu Hukum*. Jakarta: Sinar Grafika.
- Kusumaatmadja, M. (2012). *Konsep-Konsep Hukum dalam Pembangunan*. Bandung: Alumi.
- Marzuki, P. M. (2018). *Pengantar Ilmu Hukum*. Jakarta: Kencana.
- Muhajir, N. (2010). *Metodologi Penelitian Kualitatif*. Jakarta: Roke Sarasin.
- Nashriana. (2011). *Perlindungan Hukum Pidana bagi Anak Indonesia*. Jakarta: Rajawali Pers.

- Rasyidi, L. (2006). *Dasar-Dasar Filsafat Hukum*. Bandung: Citra Aditya Bakti.
- Savitri, P. D. (2016). *Benang Merah Tindak Pidana Pelecehan Seksual*. Jakarta: Yayasan Obor.
- Setiono. (2004). *Rule of Law (Supremasi Hukum)*. Surakarta: Magister Ilmu Hukum Program Pascasarjana Universitas Sebelas Maret.
- Sidharta, M. A. (2018). *Transformasi Hukum dan Hukum Progresif*. Jakarta: Gramedia Pustaka Utama.
- Soeryasumantri, J. S. (2008). *Filsafat Ilmu: Sebuah Pengantar Populer*. Jakarta: Sinar Harapan.
- Suhartono, I. (2009). *Metode Penelitian Sosial: Suatu Teknik Penelitian Bidang Kesejahteraan Sosial lainnya*. Bandung: Remaja Rosda Karya.
- Sya'ban, K. (2020). *Kamus Lengkap Hukum*. Jakarta: Media Pressindo.
- Syahrani, R. (2009). *Rangkuman Intisari Ilmu Hukum*. Bandung: Citra Aditya Bakti.
- Wadong, M. H. (2010). *Pengantar Advokasi dan Hukum Perlindungan Anak*. Jakarta: Grasindo.