

Effectiveness of Implementation of Social Rehabilitation of Child Victims of Sexual Violence Based on Justice (Study of UPTD PPA (Women and Children Protection) of Kotamobagu City)

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Abstract. *Children are a gift from God Almighty who have the right to be given protection for their personality and the rights inherent in a child. , therefore we must always protect children because in them inherent dignity, honor, and rights as human beings must be upheld. Children's human rights are part of human rights contained in the 1945 Constitution and the United Nations Convention on the Rights of the Child. From the perspective of national and state life, children are the future of the nation and the next generation of the nation's ideals, so that every child has the right to survival, growth and development and the right to protection from violence and discrimination as mandated in Article 28 paragraph (2) of the 1945 Constitution. Based on the formulation of the problem and the objectives of this research, the type of research used in this thesis research is empirical legal research, namely research that not only examines normative aspects but also examines how the law is implemented in society. Based on the Author's research by conducting interviews with the Head of UPTD PPA Kotamobagu City (Susilawati Gilalom), Psychologist Assistant (Indri Dilapanga) and Social Worker (Supriono Paputungan) regarding the implementation of social rehabilitation of child victims of sexual violence at the PPA Office of Kotamobagu City from the results of the interview, the Author can conclude that the implementation of the social rehabilitation process for child victims of sexual violence has been carried out well following the mechanisms and procedures regulated in the Regulation of the Minister of State for the Empowerment of Women and Child Protection of the Republic of Indonesia Number 2 of 2011 concerning Guidelines for Handling Child Victims of Sexual Violence, there are several obstacles found in the implementation of social rehabilitation of child victims of sexual violence*

Keywords: *Child; Effectiveness; Implementation; Rehabilitation; Victims of Sexual.*

1. Introduction

Children are a gift from God Almighty who have the right to be given protection for their personality and the rights inherent in a child.¹, therefore we must always protect children because in them inherent dignity, honor, and rights as human beings must be upheld. Children's human rights are part of human rights contained in the 1945 Constitution and the United Nations Convention on the Rights of the Child. From the perspective of national and state life, children are the future of the nation and the next generation of the nation's ideals, so that every child has the right to survival, growth and development and the right to protection from violence and discrimination as mandated in Article 28 paragraph (2) of the 1945 Constitution.²

Currently, a widespread phenomenon occurs in the development of crime, not only in the type and form and how someone does it but also in the development of victims of crime, one of which is a crime that makes children its victims. This is ironic because a child should receive protection to ensure their growth and development optimally and directed for the sake of a bright future for the child.

Basically, children become victims of crime because they are considered weak and innocent creatures so they are easily forced or tricked. This is in accordance with the category of victims in victimology that children are one example of biological weak victims, namely those who become victims because they have certain physical and mental forms that cause people to commit crimes against them.³Children are one of the parties that are vulnerable to becoming victims of violence, with physical and psychological conditions that are weaker than adults, making it very easy for children to become victims, children are very easy to intimidate and pressured so that the opportunity to become victims of violence is very large, and children do not have much strength to fight it.⁴

There were 1,478 cases of violence against children (KPAI Data Center, October 2023), with the largest number of cases being child victims of sexual crimes (615 cases), child victims of physical/psychological violence (303 cases), children in conflict with the law (126 cases), and child victims of economic/sexual exploitation (55 cases).⁵Specifically in the Kotamobagu City area throughout 2023, 130 reports of problems involving women and children were recorded, consisting of 85 cases of violence against children, including cases of sexual, psychological, physical, neglect and domestic violence and 45 cases of violence against women.⁶ From January to October 2024, there were 58 (eighty-five) cases of violence against child victims handled by the UPTD PPA Kotambagu Service, 28 (twenty-eight) of which were cases of sexual violence.⁷

¹Ratri Novita Erdianti, 2020, Child Protection Law in Indonesia, UMM Press Malang, Malang City, p. 41.

²Manuscript of the 1945 Constitution of the Republic of Indonesia (amendment)

³C. Maya Indah S, 2016, Victim Protection: A Victimology and Criminology Perspective, Prenada Media Group, Jakarta, p. 36.

⁴Ratri Novita Erdianti, Op.cit., p. 42

⁵<https://kpai.go.id/publikasi/rakorbas> and [ekspose-kpai-2023-membangun-indonesia-bebas-kekerasan-hadap-anak](https://kpai.go.id/ekspose-kpai-2023-membangun-indonesia-bebas-kekerasan-hadap-anak), accessed on May 8, 2024.

⁶ <https://bolmong.news/terkini/130-kasus-kekerasan-terhadap-anak-dan-perempuan-terjadi-di-kotamobagu-tahun-2023> accessed August 21, 2024.

⁷Interview with Susilawati Gilalom, Head of the UPTD PPA Unit, Kotamobagu, October 7, 2024.

The increasing cases of sexual violence against children show how a safe social environment for children is increasingly narrow and difficult to find. In general, the main factor that causes children to become victims of sexual violence is the assumption that children are weak, helpless individuals and children have a high dependence on the adults around them,⁸Lack of parental and environmental supervision of children is also a supporting factor in the occurrence of cases of sexual violence, and not a few cases of sexual violence come from family members themselves. This is also the cause of the high number of cases of sexual violence against children in the Kotamobagu area. In addition, economic factors, uncontrolled social life (teenagers' social interactions) and low public knowledge about sexual violence also contribute to the high number of cases of sexual violence against children in the Kotamobagu area.⁹

When a child becomes a victim of sexual violence, this incident will certainly...has a great impact on the psychology of the child that he must bear for his entire life and is burdened with the bad events that befell him which could cause deep trauma that sticks with him for the rest of his life so that the handling of child victims of sexual violence must be carried out comprehensively and receive special attention from all parties. Because sexual violence can have an impact that inhibits optimal growth and development in children. These impacts include physical health, emotional well-being, mental health and internal behavior, external behavior, interpersonal relationships, socio-economics, spiritual beliefs, to vulnerability to re-victimization.¹⁰Psychologically, sexual violence that can possibly be experienced by children and adolescents is depression, phobia, nightmares, and excessive suspicion of other people for a long time. The most severe traumatic impact is the possibility that the victim will feel a strong urge to commit suicide.¹¹

In cases of sexual violence against children, punishment for the perpetrator is often considered a form of protection, society and even law enforcement often assume that the only problem for the child victim is the perpetrator, so that by arresting and giving a heavy sentence to the perpetrator, the child victim's problem has been resolved and the child victim is considered safe. This causes the basic rights of children not to be given optimally and even tend to be neglected;

The impact of sexual violence on children is not a simple matter because with the occurrence of sexual violence, children will have a sense of trauma and shame that can affect their lives until they are adults. Therefore, the law must provide a guarantee of protection for the rights of children, where efforts to protect children are aimed at minimizing, preventing, rehabilitating and empowering children who experience abuse (*child abuse*) in order to ensure the survival and growth of children in a natural manner, both physically, mentally and socially. Protection of Children is not only emphasized in Article 28 B paragraph (2) of the 1945 Constitution but is also mandated in Law Number 35 of 2014

⁸Salsabila and Nunung Nurwati, "Traumatic Impact of Adolescent Victims of Sexual Violence and the Role of Family Social Support", *Social Work Journal* Vol.12, January 2023, p. 132.

⁹Interview with Susilawati Gilalom, Head of the UPTD PPA Unit, Kotamobagu, October 7, 2024.

¹⁰Fischer C. Goldsmith A Hurcombe R. and Soares.C, "The Impact of Child Abuse: A Rapid Evidence Assessment", http://www.ilcsa.Org.uk/reports_recommendations/publications/research/impacts-csa accessed on May 8, 2024.

¹¹Salsabila and Nunung Nurwati, loc. Cit.

concerning Amendments to Law Number 23 of 2002 concerning Child Protection. In this Law, there are regulations that immunize the rights of children who are victims of violence, especially sexual violence, by not only emphasizing the increase in criminal sanctions for perpetrators but also encouraging concrete steps to restore the physical, psychological and social conditions of children who are victims of sexual violence, one of which is the fulfillment of children's rights through rehabilitation and social reintegration as emphasized in Article 59 A of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, namely that every child has the right to receive special protection, namely through physical, psychological and social rehabilitation efforts. Furthermore, Article 70 paragraph (1) of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence emphasizes that victims have the right to recovery, including mental rehabilitation, social rehabilitation and social reintegration. However, even though there are strict regulations regarding the fulfillment of children's rights, this does not necessarily mean that efforts have been implemented optimally.

2. Research Methods

Based on the formulation of the problem and the objectives of this research, the type of research used in this thesis research is empirical legal research, namely research that not only examines normative aspects but also examines how the law is implemented in society.¹² Empirical legal research can be realized to the research of the effectiveness of the law that is currently in force, which is a research that discusses how a law operates in society. Empirical legal research is a legal research method that seeks to see, examine how the law works in society which then uses a qualitative research approach.¹³ Qualitative research is an approach used to look at legal aspects in society, and functions as a support for identifying and clarifying non-legal material findings for the purposes of legal research or writing.¹⁴

3. Results and Discussion

3.1. Implementation of Social Rehabilitation for Child Victims of Sexual Violence

The problem of sexual violence is a form of crime that disrupts and defiles human dignity, and deserves to be categorized as a crime against humanity.¹⁵ and is a very important legal issue, especially for child victims. Forms of violence against children can include physical, psychological, sexual violence, exploitation and neglect which can affect the physical, mental and social conditions of children with long-term impacts on the health and well-being of children.¹⁶ which can affect the future life of the child. Children are weak, helpless individuals, and have a fairly high level of dependence on adults around them, making children vulnerable to becoming victims of crime, especially sexual violence, which is often carried out by people close to them or people around them. Nowadays, perpetrators of sexual violence against children are dominated by those from the closest family and even

¹²Joenadi Efendi and Prasetijo Rijadi, 2016, Normative and Empirical Legal Research Methods, Second Edition, Kencana, Jakarta, p. 149.

¹³Lexy J. Moleong, 2006, Qualitative Research Methodology, PT. Remaja Rosdakarya, Bandung, p. 26.

¹⁴Zainuddin Ali, 2009, Legal Research Methods, Sinar Grafika, Jakarta, p. 105.

¹⁵Novitasari, et.al, Loc.Cit.

¹⁶Dewi, Loc.Cit.

educators/teachers of the child. The physical, psychological, and emotional conditions of children who are not yet stable and mature make it difficult for children to fight back when the perpetrator threatens, forces or bribes the child to do what the perpetrator wants to satisfy his sexual desires.

The existence and role of victims have not been fully considered as an important part of the law enforcement process. Victims become forgotten people in the criminal justice system.¹⁷The tendency for victims to be treated as merely part of the evidence of witness testimony in court has not fully placed them as people (subjects) who experience direct suffering, both materially and immaterially, arising from a criminal act.

Theoretically, the form of protection for victims of crime is given in various ways depending on the suffering/loss suffered by the victim, Social Rehabilitation is a form of special protection effort for child victims so that children can feel a sense of security for themselves, This social rehabilitation is a right to recovery guaranteed by the State for child victims of sexual violence, this is emphasized in Article 69A in conjunction with Article 59 paragraph (2) letter J of the Republic of Indonesia Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection (Child Protection Law) and Article 70 of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (TPKS Law).

Social rehabilitation is a process of activities to restore and develop the physical, abilities and mental state of the victim so that the victim can overcome social welfare problems for himself and his family. Social rehabilitation is an effort to restore victims of sexual violence which can be done through social and psychological interventions. Several systematic steps taken in implementing the fulfillment of the right to social rehabilitation for victims, especially children, are by conducting an evaluation of the child's psychological condition by experts such as psychologists or psychiatrists to assess the level of trauma and the child's psychological condition, and an assessment or evaluation by social workers to obtain a picture or socio-economic condition of the child victim and his family as well as the condition of the child victim's psychosocial relationship to assist social workers in carrying out their duties to provide social consultation, assistance and social advocacy for the child victim. This evaluation and assessment is carried out to determine the type of psychological intervention and social needs that are most appropriate and needed by the victim. Victims of sexual violence need continuous psychological and social support to encourage and assist them in the process of recovering from the trauma they have experienced so that the victim can return to carrying out social functions in community life.

In the Law on Sexual Violence Crimes (UU TPKS), it has been determined that the role of special protection for child victims of sexual violence must be provided by the government. The extension of the government to implement the fulfillment of special protection for child victims of sexual violence is carried out by an institution called the Regional Technical Implementation Unit for the Protection of Women and Children (UPTD) PPA. The Mayor of Kotamobagu City, precisely in 2022, issued the Mayor of Kotamobagu Regulation Number 15 of 2022 concerning the Establishment of the Regional Technical Implementation Unit for the Protection of Women and Children Class A dated August 1, 2022. This UPTD PPA is a regional technical implementation unit at the Women's Empowerment and Child Protection Service

¹⁷Mahrus Ali, Op.cit., p. 167

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of Kotamobagu City, tasked with carrying out technical operational activities in the work area (Kotamobagu City) in providing services for women and children who experience violence, special protection and other problems. UPTD PPA Kotamobagu City is obliged to provide assistance and Integrated Services in handling, protection and recovery needed by Victims, especially child victims of sexual violence. Since its establishment in August 2022, the UPTD PPA of Kotamobagu City has handled and provided assistance to women and children victims who experience violence and other problems. In carrying out the task of assisting victims at the UPTD PPA of Kotamobagu City, it is carried out by the Head of the UPTD along with psychological counselors, legal counselors and social workers.

In addition, the UPTD PPA of Kotamobagu City also strives to improve the quality of services through mediation facilities and cross-agency cooperation. The UPTD PPA of Kotamobagu City has also provided a special legal consultation room for victims of violence involving children and women by collaborating with advocate/lawyer/legal consultant institutions in the Kotamobagu City area. This step is very helpful in strengthening advocacy and providing a sense of security to victims who need legal support, because it is not uncommon to find cases that take a long time to be revealed by victims because the victims feel unsafe and afraid of the perpetrators or other parties. This legal consultation room is a place of education for the wider community to protect children and women from all forms of violence.

Specifically for handling child victims of sexual crimes, the UPTD PPA of Kotamobagu City collaborates with the Kotamobagu Police regarding reporting by the public if there are victims who report cases of sexual violence that they have experienced, the UPTD PPA of Kotamobagu City will provide assistance at every level of examination, both at the police and in court. The Head of the UPTD PPA Unit of Kotamobagu City will observe and assess the condition of the child victim, then assign a Social Worker (Peksos) to accompany and assess the child victim and the Peksos officer is required to make a Social Report to be reported to the Head of the Service and the Social Report will be attached to the case file. If there is an indication that the incident experienced by the child victim has an impact on his/her psychological condition, the Head of the Unit will instruct the Companion Psychologist to conduct an examination and identification of the mental health and psychological condition of the child victim. Recovery of the trauma condition of child victims is not an easy matter, it requires extra effort and hard work, but if the victim experiences prolonged trauma, the UPTD PPA of Kotamobagu City will refer the victim to a psychiatrist, but due to the unavailability of a child psychiatrist in the Kotamobagu City area, the victim will be referred to Manado.

Related to the social rehabilitation process in general, so far the assistance provided by the UPTD PPA Kotamobagu City is through assistance by Social Workers and Psychological officers both at the investigation, prosecution and trial levels. However, the extent to which the rehabilitation process has been successful has never been monitored in a structured manner because the UPTD PPA Kotamobagu City lacks experts where the existing experts are also seconded as experts in other UPTD PPA areas outside Kotamobagu such as Bolaang Mongondow, East Bolaang Mongondow and South Bolaang Mongondow. However, if the victim's psychological condition is found to require further intervention or action, a referral will be made to the province (Manado). There has also been a case of a child victim

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experiencing pregnancy, so the UPTD PPA Kotamobagu City temporarily placed the child in a halfway house until giving birth, but the obstacle is often that the UPTD PPA Kotamobagu City lacks budget support related to meeting the needs of the victim and the baby born, there is still a lack of understanding of the victim and his family about the efforts to submit restitution charged to the perpetrator, so far there has never been a restitution submission from the victim to the perpetrator even though if the restitution is granted it will greatly help the victim and his family to support the victim's recovery program, especially the victim and his family who have to care for the baby from the results of the sexual crime.

Based on the results of the Author's interview with Mr. Supriono Paputungan, SE as a Social Worker for Child Protection in Kotamobagu City, it can be obtained information that the initial involvement of Social Workers in handling Children in Conflict with the Law (ABH) in this case children as victims is based on the results of outreach from the Social Service or related agencies such as the UPTD PPA Kotamobagu City which refers clients (child victims) to the Social Service, then based on the report, Social Workers will then conduct an assessment or evaluation of the child victim by conducting interviews and direct observation to obtain information about the child victim such as the identity of the child victim, the identity of the parents, a description or chronology of the case being faced, the child's condition before and after the case occurred including the effects of the case on the child, family and the surrounding community, the history of the child's growth and development including his/her educational history, the child's psychosocial relationship with parents, family and the surrounding environment and the child's family's socio-economic conditions. From the results of the assessment, it will be seen whether the child victim needs social rehabilitation or not.

There are 2 types of social rehabilitation, the first is basic social rehabilitation, namely a program or activity to fulfill the most basic and urgent needs for child victims, for example clothing and food needs, health needs and education needs. These basic needs will be immediately responded to and handled by social workers, such as if the child needs a health check or treatment, the social worker will immediately refer the victim to a health facility or hospital and also help complete the required documents, for example for victims who do not have a BPJS card. If the victim needs education, the social worker will help parents coordinate with schools or related agencies so that the child victim can continue their education. For child victims who experience trauma or psychological disorders, the social worker will immediately coordinate with the UPTD PPA Kotamobagu City, then the UPTD PPA Kotamobagu City will coordinate and refer the child victim to experts in the field of mental health such as psychologists or psychiatrists. The second is advanced social rehabilitation, namely activities or advanced rehabilitation programs for child victims if based on the results of the assessment the child victim needs ongoing action, such as therapy and so on. In the Kotamobagu City area, there is no community or therapy institution for child victims, so child victims who need therapy will be referred to the Manado Center.

This Manado Center Center was originally an institution that provided services for people with disabilities, but because there was no Social Welfare Institution (LPKS) in North Sulawesi, the Manado Center Center has become a multi-service institution that also accepts therapy services for victims. In the Kotamobagu area, there is only a Child Social Welfare Institution (LKSA) under the coordination of the Kotamobagu City Social Service, but the

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LKSA is only intended for neglected children, the facilities available are not adequate for therapy for children who are victims of sexual violence.

The Manado Center Center Institution is intended for the North Sulawesi and Gorontalo regions so that its capacity is inadequate, therefore Peksos will conduct a selection of child victims who will be referred, only child victims who are in dire need of therapy will be referred to the Manado Center Center, while for other child victims, therapy is carried out through family-based assistance.

Based on the assessment results, it turns out that the victim child is referred to undergo family-based social rehabilitation, so social workers will monitor and observe the child's needs within the family. Regarding the basic needs of the victim child, the budget is provided by the district, while for further social rehabilitation, the budget is provided by the Ministry. In conditions such as a victim child experiencing pregnancy, social workers through the Social Service will coordinate with the relevant Ministry to provide for the victim child's needs until the delivery process. Social workers will be involved in assisting to facilitate the victim's needs.

Family-based social rehabilitation is carried out by increasing the role of parents to meet the needs of child victims, Peksos and the Social Service will help encourage and facilitate parents and families of child victims to accompany child victims, strengthening the capacity of child victims and families is carried out through socialization and education about social rehabilitation for child victims, this is done so that the family and community environment can accept child victims again and keep child victims away from negative stigma in society.

Social workers have not been able to carry out monitoring and evaluation optimally related to the implementation of social rehabilitation for child victims of sexual violence due to limited manpower and time. This is because Mr. Supriono Paputungan, SE as a social worker, in addition to being on duty in the Kotamobagu City area, is also in the South Bolaang Mongondow and East Bolaang Mongondow areas. In addition, because the number of cases handled is relatively large, further monitoring of child victims cannot be carried out optimally, but usually the victim's family and family will proactively contact social workers to interact or re-intervene with the victim.

For child victims who are referred to the Manado Center, social workers no longer carry out monitoring unless necessary, for example when the process of returning the child victim to their family environment and place of residence occurs, the Manado Center asks social workers to monitor the child victim and report the monitoring results to the Manado Center.

Children who experience sexual violence will have an impact on their psychosocial condition. In general, violence or sexual harassment can cause injury, trauma to the victim, the victim feels helpless, blames themselves, most try to forget the incident, but in certain situations the bad memories will suddenly reappear and will haunt the victim throughout his life. According to Lyness, sexual violence against children is a moral and legal violation and injures children physically and psychologically.¹⁸and can also have an impact on the mental and social aspects of the victim.¹⁹The mental impacts that can be experienced by victims of sexual violence include depression, phobias, nightmares, and excessive suspicion of others.

¹⁸Salsabila and R Nunung, Loc.Cit.

¹⁹Luh Made Khristianti Weda Tantri, Loc. Cit.

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Victims of sexual violence are likely to experience strong desires to commit suicide if they experience significant trauma. When someone experiences physical or psychological sexual violence, it can cause deep trauma for them, especially for children and adolescents, victims of sexual violence can experience mental disorders such as PTSD (Post Traumatic Stress Disorder), disturbance anxiety, other mental illnesses including personality disorders and dissociative identity disorder, a tendency towards revictimization in adulthood, bulimia nervosa, as a result of the traumatic event.²⁰ Therefore, social rehabilitation as an effort to restore victims of sexual violence is closely related to the mental or psychological state of the victim or in other words, social rehabilitation is interrelated with the mental rehabilitation of child victims.

Factors Influencing the Implementation of Social Rehabilitation for Child Victims

1. Law Enforcement Factors

Law enforcement consists of various entities responsible for designing and implementing laws. This organization consists of law enforcers who are responsible for balancing certainty, justice, and the benefits of the law. Law enforcement officers determine whether written legal regulations are functioning or not. Officers must be reliable, have professional skills, and have a healthy mindset to ensure that the tasks carried out are carried out properly. The law enforcement component consists of law enforcement agencies and personnel, such as the police, prosecutors, judiciary, counselors, lawyers, legal advisors, and correctional institutions. The law enforcers in question also include institutions responsible for accompanying and protecting witnesses and victims.

In relation to the implementation of social rehabilitation for child victims of sexual violence, an important role is held by the UPTD PPA as emphasized in Article 76 and Article 77 of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence. UPTD PPA is an institution that organizes the handling and recovery of victims whose duties include facilitating the provision of health services, facilitating the provision of psychological strengthening services, facilitating the provision of psychosocial services for social rehabilitation, social empowerment and social reintegration, in carrying out these tasks UPTD PPA can coordinate and cooperate with other institutions to fulfill the rights of victims, especially the right to recovery (rehabilitation).

One of the tasks of the UPTD PPA Kotamobagu City is to help child victims of sexual violence in recovering their health. UPTD PPA Kotamobagu City provides medical assistance to victims by immediately referring child victims to the nearest hospital for an initial examination. For victims who experience sexual violence, a pregnancy examination and medical examination will be carried out by the hospital. UPTD PPA Kotamobagu City officers will accompany victims from the registration process at the hospital until the examination and medical examination are complete. The results of the examination will be used as material for a criminal report to the police where UPTD PPA officers accompany victims until the legal process is complete. In order to restore the psychological condition (mental/psychological) of child victims of sexual violence, UPTD PPA Kotamobagu City provides counselors/psychological companions to accompany child victims in the recovery process. Psychological counselors will take intervention measures to help relieve the

²⁰Salsabila and R Nunung, Loc.Cit

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psychological/mental pressure experienced by victims. Recovery of victim trauma is carried out through counseling and strengthening the role of the family.

As a result of the researcher's interview with Mrs. Indri Dilapanga as a Psychologist Companion at the UPTD PPA Kotamobagu City that due to the limited number of experts and facilities and infrastructure in Kotamobagu, the victim recovery process was not fully effective so that the Psychologist Companion (Resource Person) made an innovation in the victim recovery process by prioritizing the strengthening of the role of parents/families. In addition to working at the UPTD PPA Kotamobagu City, it turns out that the Resource Person also works at the UPTD PPA Bolaang Mongondow Selatan and UPTD PPA Bolaang Mongondow Timur, which caused the Resource Person on his own initiative to determine which of the victims of sexual violence were a priority for ongoing counseling, this is because of the many cases that must be handled by the Resource Person.

According to the resource person, the Head of the UPTD PPA Unit is the one who determines whether the victim needs psychological assistance or not, but there are no clear standards regarding the criteria or requirements for victims who receive victim psychological recovery services.

2. Facilities Factors

To support the achievement of a goal, facilities are an important factor. Simply put, goals can be achieved through the use of supporting facilities, where the functional area functions as a supporting physical facility. Skilled and trained human resources, effective organizational systems, adequate equipment, and sufficient financial resources are some of these supporting facilities. In addition to having good and sufficient facilities, maintenance should also not be ignored to maintain the achievement of goals and prevent counterproductiveness that can disrupt the program.

3. Community Factors

Public opinion on the law greatly influences the efficiency of the legal system itself. The purpose of law enforcement/implementation is to create harmony in society. The community needs to be involved in all aspects of the part that implements the rules, because public perception of the law is not always uniform, public compliance with the law is one indicator of the functioning of the law in society. One strategy that can be taken is to conduct socialization involving various social strata, community leaders and law enforcement officers.

Sexual violence is a violation of human rights, a crime against human dignity, and a form of discrimination that must be eliminated. Sexual violence is increasingly prevalent in society, causing extraordinary impacts on victims. These impacts include physical suffering, mental health, economic and social life.

4. Cultural factors (Culture)

Law can have a direct or indirect influence in encouraging social change because in the formation of the legal system itself, a system is created or planned in advance with what is called social engineering or social planning. To make the law really have an impact on people's behavior, the law must be widely distributed so that it can be integrated well into people's lives. One of the requirements for the distribution and integration of law is the existence of special means of communication. This communication can be done formally

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through structured and official procedures. Usually, legal culture is defined as the customs of society or daily habits, culture and society have their respective influences. Values that influence society and culture include peace, order, material or physical values, moral or spiritual values and renewal values.²¹

3.2. Implementation of Social Rehabilitation for Child Victims of Sexual Violence Based on Justice in the Future

As one of the aims of law, justice must be seen as a value, justice as a continuous and consistent aim to give everyone what is their right (justice is the constant and continual purpose which gives to every his own)²²The principle of justice is the fulfillment of equal rights to basic liberties (equal liberties) so that the meaning of equal freedom means that every person has equal rights to basic freedoms whose system is the same as freedom for all (liberty for all). Justice must minimize social differences so that a positive condition will occur, namely the creation of maximum reasonable benefits for everyone, including the weak (maximum minimorum) so as to create what is called justice for everyone. Rawls' concept of justice emphasizes that the law must create an ideal society, namely a society that tries to increase happiness and reduce unhappiness (the greatest happiness of the greatest number of people)²³. A just law is a law that makes you happy. In Islamic legal philosophy, viewing justice from a theological perspective, namely the presence of law has a certain purpose, the implementation of the legal system is oriented to achieve the goal, namely justice, According to sharia, justice is a higher command because it not only gives everyone their rights but also as a mercy and healing from illness after faith in Allah, acting fairly is considered part of piety.²⁴

Justice is a very important value in law, justice is individual so that in the implementation and enforcement of the law justice must be considered. Justice is one of the things that must be realized in the process of implementing or enforcing the law. In relation to providing justice through protection for children as victims, various efforts are made to create a situation where children can exercise their rights and obligations, all efforts aimed at minimizing, preventing, rehabilitating and empowering children who experience mistreatment (child abuse), exploitation and neglect in order to ensure the survival and development of children naturally, both physically, mentally and socially.

Children with physical, psychological and emotional weaknesses make them vulnerable to becoming victims of sexual violence, the nature of children is innocent, easily influenced, easily intimidated and pressured so that the opportunity to become victims of sexual violence is very large because children do not have great strength to fight back. Various forms of sexual violence can be experienced by child includes rape, molestation, sodomy, including sexual acts against children if someone uses a child to gain sexual pleasure or satisfaction, not limited to sexual intercourse but also including actions that lead to sexual activity against children such as touching a child's body sexually whether wearing clothes or not, all forms of sexual penetration, including penetration into a child's mouth using objects or body parts, making or forcing a child to engage in sexual activity, intentionally engaging in

²¹Soerjono Soekanto I, Loc.cit.

²²Munir Fuady, Loc.cit.

²³Margono, Op.cit., p. 111.

²⁴Fausi Almubarak, Loc.cit.

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sexual activity in front of a child, or not protecting and preventing a child from witnessing sexual activity carried out by others, making and distributing and displaying images or films containing scenes of children in indecent poses or actions, showing children, photos or films showing sexual activity. These forms of sexual violence are de facto present in society. These acts are carried out using coercion, threats, bribes, deception and even pressure. Children are weak, helpless individuals, and have a fairly high level of dependency on the adults around them, making children vulnerable to becoming victims of crime, especially sexual violence, which is often carried out by people close to them or people around them. Nowadays, perpetrators of sexual violence against children are predominantly from the closest family (familial abuse) and even child educators/teachers.

Any form of sexual violence experienced by a child will certainly hinder the child's development process throughout his life with long-term impacts on the child's health and well-being that can affect his life in the future which makes the child hampered and difficult to build interpersonal relationships. The trauma experienced by the child can suddenly reappear and will haunt the victim (child) throughout his life. The mental impacts that can be experienced by victims of sexual violence include depression, phobias, nightmares, and excessive suspicion of others. Victims of sexual violence are likely to experience a strong desire to commit suicide if they experience significant trauma. Thus, it can be said that sexual violence experienced by a child greatly affects and impacts the physical and psychological, mental and social conditions of the child, therefore it is important for victims (children) to receive special protection.

However, the existence and role of victims have not been fully considered as an important part of the law enforcement process. Victims become forgotten people in the criminal justice system.²⁵ The tendency of victims to be treated as merely part of the evidence of witness testimony in court, has not fully placed them as people (subjects) who experience direct suffering, both materially and immaterially, arising from a crime. In fact, it is not uncommon for victims to experience re-victimization from individuals, law enforcement officers and the community in the form of attitudes, behaviors and practices that blame the victim (victim-blaming).

The government's budget limitations in accommodating the recovery needs of child victims of sexual violence can actually be overcome, one of which is by optimizing the application of restitution in the criminal justice system. Recovery of victims of sexual violence is a shared responsibility, including the perpetrator, the state, and society. The perpetrator has an obligation to restitution, while the state and society have a responsibility to provide protection, handling, and recovery of the victim. This restitution is one of the institutions aimed at providing justice for the victim by repairing the losses experienced by the victim caused by the crime. One form of legal protection for child victims of sexual violence is to receive restitution. In cases of sexual violence, it does not only occur in physical violence, but indirectly also attacks the mental state of the child victim. The mental impact experienced by child victims due to sexual violence is not easily eliminated compared to the physical violence they also experience. So that child victims must receive compensation to restore what has been taken by the perpetrator, one of which is recovery through

²⁵Mahrus Ali, Op.cit., p. 167.

restitution. The provision of restitution aims to provide compensation for the losses suffered by the victim as a result of the criminal act committed by the perpetrator.²⁶ the restitution fee can be used to accommodate the rehabilitation needs of the victim's child, both mental rehabilitation and social rehabilitation. If the perpetrator pays restitution to the victim's child, it is hoped that a sense of social responsibility will be instilled which functions as a tool to make the perpetrator aware of the "debt" (due to his actions) to the victim.²⁷ On the other hand, by fulfilling the right to restitution for child victims, criminal law has considered the interests of the perpetrator and the victim in a balanced manner so that the goal of the law enforcement process does not only focus on retribution for the criminal acts committed by the perpetrator but also towards the interests of the victim's recovery so that true justice that is desired to be achieved from the law enforcement process can be realized.

Based on the results of the Author's interview with the Head of the UPTD PPA Kota Kotamobagu City (Susilawati Gilalom) and the accompanying Psychologist (Indri Dilapanga), the lack of public knowledge and even sources regarding the mechanism and procedures for submitting restitution, in the source's view that restitution can only be submitted during the trial process, even though restitution can also be submitted after a final and binding decision. Whereas based on the provisions of Article 71 D in conjunction with Article 59 letter j of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection in conjunction with Article 7 paragraph (1) of Law Number 13 of 2006 concerning Protection of Witnesses and Victims, it is emphasized that every child who is a victim of a sexual crime has the right to file a claim in court in the form of restitution rights which are the responsibility of the perpetrator of the crime. A request for restitution can be submitted at every level of examination starting from the investigation, prosecution and court hearing stages, and can even be submitted after a legally binding court decision. Restitution applications can be submitted by LPSK, Investigators, or Public Prosecutors and also by victims or their families, guardians or heirs by submitting a written application letter and attaching related evidence as explicitly determined by laws and regulations. In addition, it is possible for perpetrators and/or third parties to make restitution payments during the examination process or before the court decision has permanent legal force with the mechanism of restitution money being deposited in the court clerk's office.²⁸ Thus, it is necessary to conduct outreach to law enforcement officers and child victim advocates regarding this right to restitution. In addition, judges in trials are required to actively convey the victim's right to restitution, which restitution can be used for the victim's recovery needs.

Regarding the fulfillment of the right to recovery of victims of sexual violence including social rehabilitation, it turns out that the provisions of Article 63 of the TPKS Law emphasize that the obligation for the panel of judges/judges to consider the recovery of victims in their decisions, although in practice this has not been fully implemented. In fact, with the

²⁶Maidina Rahmawati, et al, "Opportunities and Challenges in Implementing Restorative Justice in the Indonesian Criminal Justice System", Institute Criminal Justice Reform, 2022, p.101.

²⁷Safik Faozi, 2009, Reorientation of criminal policy (philosophical and rationality approaches), UNDIP Publishing Agency, Semarang, p. 81.

²⁸Regulation of the Supreme Court of the Republic of Indonesia (PERMA) Number 1 of 2022 concerning Procedures for Settlement of Applications and Granting of Restitution and Compensation to Victims of Criminal Acts.

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consideration in the judge's decision regarding the fulfillment of the victim's rehabilitation rights, such a decision can provide legal certainty and benefits for the victim.

Of course, to consider the victim's recovery in its decision, the panel of judges/judges base their considerations on the trial facts obtained from the evidence presented at the trial including the results of the accompanying psychologist's assessment and the social worker's report (peksos), in addition it is also necessary for the court to listen to the victim's opinion regarding the impact they experienced from the crime both when the incident occurred and also the possible impacts that will be felt in the future. Direct statements submitted by the victim to explain the impacts they experienced physically, psychologically, socially and economically due to the sexual violence they experienced. The victim's statement, in addition to being a consideration for the judge in sentencing the perpetrator, can also be a consideration for the judge in determining restitution for the victim's recovery. In addition, the victim should also have the opportunity to convey their needs to help the victim's recovery process.

The provisions of Article 63 of the TPKS Law do not contain an explanation regarding the criteria for considering the intended "victim recovery", however, if we further examine the provisions in Article 70 of the TPKS Law, the intended recovery includes medical rehabilitation, mental and social rehabilitation, social empowerment, restitution and/or compensation and social reintegration. This means that the provisions for implementing mental and social rehabilitation for child victims of sexual violence can be included in the judge's considerations, for example regarding who or what party is required to accompany and supervise the implementation of mental and social rehabilitation for victims, so that the implementation of mental and social rehabilitation for victims can be followed up properly.

In addition, to assess, monitor and evaluate the extent to which the mental and social rehabilitation program for child victims of sexual violence has been running properly, it is necessary to form an institution to supervise and observe. Supervision and observation of the implementation of the fulfillment of victim recovery, in addition to being carried out by LPSK and related institutions, may also be carried out by judges who are given special duties by the chief justice. Although the Criminal Procedure Code (KUHAP) recognizes the existence of supervisory and observer judges regarding the implementation of criminal penalties or supervising convicts in serving their sentences. This concept can be adopted, but the object of supervision carried out is regarding the implementation of victim recovery in order to achieve fair victim protection. This is possible as one way or effort to provide fair legal protection for victims. Criminal law should be able to pay attention to the interests of the perpetrator and victim in a balanced manner so that the purpose of the law enforcement process does not only focus on retaliation for the criminal acts committed by the perpetrator but also towards the interests of victim recovery so that true justice that is desired to be achieved from the law enforcement process can be realized. Judges who carry out supervision and observation can provide recommendations to related agencies regarding how to implement the provision of recovery services (mental and social rehabilitation) for child victims of sexual violence. It is expected that with direct supervision from judges or other institutional courts, it is hoped that they can truly carry out their duties and recovery services for victims. This provision can be made in the form of a law or accommodated in the draft criminal procedure code which is currently under discussion.

3.3. Efforts to Prevent Sexual Violence against Children

In terms of health, sexual violence can have an impact on mental, physical health and reproductive health both in the long term and in the short term. In addition, sexual violence can also have an impact on the social, economic and educational conditions of victims and their families. Therefore, the recovery carried out on victims of sexual violence, especially children, is more difficult compared to other crimes, so it is necessary to make efforts to prevent sexual violence. Efforts made by the government in addition to the formation of various regulations and protection programs for and women also need to involve the participation of the public/community.

Efforts to prevent the occurrence of sexual violence are expected to involve community participation which is realized by cultivating literacy about sexual violence to all levels of society, participating in socializing the TPKS Law and creating conditions and environments that can prevent the occurrence of sexual violence. The presence of community participation shows that the prevention of sexual violence and the recovery of victims is a shared responsibility of the state, law enforcement officers and the community. The TPKS Law intends to change the legal culture/culture of the community which has so far been indifferent to the handling of sexual violence, which considers reporting incidents of sexual violence to be a disgrace that must be covered up and considered normal towards a new understanding and perspective, namely that the prevention of sexual violence is a shared responsibility and is a serious crime that requires the support and attention of all elements of society.

Efforts to prevent violence against children and women must be carried out with more structured actions. One of these efforts was carried out by the UPTD PPA of Kotamobagu City by implementing Case Management Training to handle cases of women and children, the aim being that cross-sectoral personnel handling cases of children and women are able to understand the child protection law, the law on sexual violence crimes and the law on the juvenile criminal justice system optimally. In addition, socialization was carried out regarding the rights of children and women as well as counseling related to the threat of violence and how to report violence experienced. The related agency has also implemented Integrated Community-Based Socialization of Prevention of Violence Against Women and Children (PATBM), the Kotamobagu city government through the Women and Children Empowerment Service in collaboration with sub-district heads, village heads and village heads (sangadi) throughout Kotamobagu City so that they can provide appeals and counseling to the community in their respective areas so that parents increase supervision and control of children so that unwanted things do not happen.

Efforts to prevent sexual violence can also be done by providing education for children and adolescents by conducting socialization activities in schools and online education, socialization of the Child Protection Law (UUPA) and the Sexual Violence Law (UU TPKS), holding anti-sexual violence campaigns involving children and adolescents, strengthening the role of non-governmental organizations such as the Kotamobagu City Child Development Center and also religious institutions, socialization and education for parents. It is also important to provide sex education for children as an effort to understand and prevent sexual violence. Effective prevention efforts can prevent sexual violence, improve social welfare, and create a safer place for everyone.

4. Conclusion

Based on the Author's research by conducting interviews with the Head of UPTD PPA Kotamobagu City (Susilawati Gilalom), Psychologist Assistant (Indri Dilapanga) and Social Worker (Supriono Paputungan) regarding the implementation of social rehabilitation of child victims of sexual violence at the PPA Office of Kotamobagu City from the results of the interview, the Author can conclude that the implementation of the social rehabilitation process for child victims of sexual violence has been carried out well following the mechanisms and procedures regulated in the Regulation of the Minister of State for the Empowerment of Women and Child Protection of the Republic of Indonesia Number 2 of 2011 concerning Guidelines for Handling Child Victims of Sexual Violence, there are several obstacles found in the implementation of social rehabilitation of child victims of sexual violence, such as: 1. Lack of professional victim companions, such as psychologists and social workers, the number of cases handled with the availability of professional staff is not comparable, causing psychologists and social workers to have to determine the priority scale of victim companionship so that sometimes victims are found who are not followed up. Officers are also unable to continuously monitor and evaluate the extent to which victims have been able to return to carrying out their social functions properly; 2. The existence of victim needs that are not covered by the government budget makes it difficult for the social rehabilitation process to run smoothly, for example in the case of a victim experiencing pregnancy, the available budget is only able to accommodate the victim until the pregnancy process while other living needs become a burden for the victim and family because they have to care for the baby born to the victim, there are also cases where the perpetrator is a family member and the backbone of the family so that when the perpetrator is serving a sentence in prison, of course it becomes a burden for the victim and his family to meet daily needs when it turns out that the victim needs psychiatric referral treatment, the victim has difficulty accommodating the costs of such treatment.

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