

## **Legal Analysis of Legal Protection for Children as Victims of Sexual Abuse Criminal Acts (Case Study: Semarang City Police Police Public Service Unit)**

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**Abstract.** *This study aims to analyze legal protection for children as victims of sexual harassment, with a focus on handling by the Women and Children Protection Unit (PPA) of the Semarang Police. Legal protection for child victims of sexual violence is very important considering the psychological and social impacts it causes. The method used in this study is sociological juridical, with a qualitative approach to research specifications in the form of analytical descriptive. Data sources consist of primary data, secondary data in the form of primary legal materials, secondary legal materials and tertiary legal materials. The results of the study show that the Semarang Police through the PPA Unit have made legal protection efforts through a fast investigation process, psychological and legal assistance, and coordination with related agencies such as the Social Service and Child Protection Agency. However, there are still obstacles such as limited number of experts, lack of supporting facilities, and lack of public understanding of the importance of reporting cases of sexual abuse against children. Therefore, better synergy between institutions is needed as well as increased education and socialization to the community to create optimal protection for children.*

**Keywords:** *Child Protection; Legal Protection; PPA Unit; Sexual Harassment.*

### **1. Introduction**

Indonesia as a welfare state has one of the goals of protecting the entire Indonesian nation as stated in the preamble to the 1945 Constitution of the Republic of Indonesia.<sup>1</sup> The protection referred to here is universal protection for all Indonesian people without exception from adults to children. In general, protection for citizens has been regulated in Law Number 39 of 1999 concerning Human Rights, but protection for children is something that requires special attention because the treatment of children cannot be equated with the treatment of adults considering that children have different characteristics from adults. Ignoring the problem of child protection means not strengthening national development.

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<sup>1</sup>Putra, MD (2021). Welfare state from a Pancasila perspective. *Likhitaprajna*, 23(2), 139-151.

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The absence of child protection will cause various social problems that can disrupt law enforcement and order.<sup>2</sup>

According to Ahmad Susanto citing the opinion of Bacharuddin Musthafa, a child is a child who is in the age range between one and five years. This understanding is based on the limitations of developmental psychology which includes infants (infancy or babyhood) aged 0-1 years, early childhood aged 1-5 years, late childhood aged 6-12 years. Every child has a unique nature and is born with different potentials with their own talents and interests. For example, there are children who have talents, singing, dancing, music, and sports. Early childhood experiences the most rapid stages of growth and development both physically and mentally, growth and development begins since prenatal, namely since in the womb<sup>3</sup>.

In the context of legal protection for children as victims of sexual abuse, legal analysis plays an important role in ensuring justice and effective protection. Sexual abuse of children is a serious issue that requires special attention from various legal, social, and psychological aspects. Children, as a group that is still in the development stage, need deeper protection to ensure that their rights are protected and their welfare is maintained.<sup>4</sup>

Child sexual abuse is not only a violation of moral and ethical norms, but also a serious crime in the legal system. Cases of sexual abuse often have very detrimental impacts on victims, both physically and psychologically. Therefore, effective and comprehensive legal protection efforts are needed to address this problem.

The crime of sexual abuse against children has a very high number, where in 2019 there were 350 cases of sexual violence against children in Indonesia. President Jokowi emphasized in front of his staff that to reduce the number of sexual violence against children, three steps need to be taken as follows: First: Preventive efforts involving families, schools, and communities. Second: Optimizing reporting and complaint services regarding cases of violence against children. Third: Jokowi asked for a major reform in the management of handling cases against children, according to him the management components must be integrated and comprehensive in order to maximize rehabilitation services for victims. Meanwhile, cases of sexual violence that occurred in Central Java province were 755 cases of sexual violence in the period of 2023<sup>5</sup>.

We often encounter perpetrators of sexual harassment, looking for weak and helpless victims such as children, both underage boys and girls. This deviant sexual behavior is driven by an excessive desire to achieve their sexual fantasies, for that it is necessary to provide maximum legal protection to children, the next generation of the nation, because after all they still have many opportunities to achieve their dreams and aspirations. Children as victims of crime are inseparable from the influence of the social environment of society. Children are creations of God Almighty, their self-esteem and dignity need to be protected and their right to life to grow and develop according to their nature and nature is

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<sup>2</sup>M. Candra, 2018, "Aspects of Indonesian Child Protection", Bogor: Prenada Media

<sup>3</sup>Muqit, AA, & Maskur, A. (2021). Al-Quran Learning Management in Early Childhood (Case Study at PAUD Ad-Din Cirebon). *El-Athfal: Journal of Child Education Studies*, 1(02), 95-108.

<sup>4</sup>H. Siallagan, 2016, "Journal of the Application of the Principles of the Legal State in Indonesia: pp. 122-128.

<sup>5</sup>Hendik, H., Jamaluddin, II, & Septiana, AR (2024). Resources in Handling Child Victims of Sexual Violence at the Women's Empowerment and Child Protection Service, Kolaka Regency, Southeast Sulawesi. *MORALITY: Journal of Legal Studies*, 10(1), 31-47.

guaranteed. Therefore, all forms of inhumane exploitation and exploitation must be stopped immediately without exception. According to psychology, children who are under 18 years of age still have an unstable mental condition where they do not fully understand what they are experiencing and what they are doing. So when they experience a problem, they cannot act alone to solve their problems because they still need someone who is more mature who can better understand their situation and meet their needs.

Children in conflict with the law are regulated in Law Number 11 of 2012<sup>6</sup> where children have three roles, namely the child can be a victim who experiences physical, mental, and/or economic suffering caused by a crime, or as a perpetrator suspected of committing a crime, or as a witness who can provide information for the benefit of investigators, prosecution, and examination in court regarding a criminal case that is heard, seen, and/or experienced by themselves. Therefore, the government provides special legal protection to children, whether they are victims, perpetrators, or witnesses of a crime that has been regulated in the law. The legal protection provided to children is not only in the form of legislation but also accompanied by several social institutions established by both the government and the private sector whose goals are specifically to protect children such as KPAI (Indonesian Child Protection Commission), KPAID (Regional Indonesian Child Protection Commission), PKPA (Child Study and Protection Center), and so on. All of these institutions have the same goal, namely to protect and maintain all forms of rights inherent in a child<sup>7</sup>. Legal protection according to Law No. 39 of 1999 concerning Human Rights, is all efforts made consciously by every person or government institution or even the private sector which aims to secure, control and fulfill the welfare of life in accordance with applicable human rights.

Sexual harassment crimes are extraordinary crimes or can be called extraordinary crimes, the many negative impacts of sexual harassment greatly affect the development of children until they grow into adults, moreover, sexual violence cannot simply disappear, the government's child protection regulations have issued Law Number 35 of 2014 concerning child protection, in Article 1 number 12 is that children's rights are part of human rights that must be guaranteed, protected, and fulfilled by parents, families, communities, states, governments, and local governments. Recently, the government has also created a new law regarding sexual violence, namely Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (TPKS) and has narrowed it down to entering the world of education, namely the Regulation of the Minister of Education, Culture, Research and Technology (Permendikbud Ristek) Number 30 of 2021 concerning Prevention and Handling of Sexual Violence in Higher Education Environments.

Looking at the historical background of acts of sexual violence that occurred especially in Indonesia in February 2021, news of sexual violence against children emerged in the public space with the number of child victims reaching 13 girls in Bandung, West Java, carried out by Herry Wirawan against female students at his Islamic boarding school. It is known that the act was carried out by raping 13 female students in the Islamic boarding school environment, hotels or apartments, even nine of them have given birth from the results of the rape. In addition, it is known that Herry Wirawan's actions have been carried out from

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<sup>6</sup>Pribadi, D. (2018). Protection of children in conflict with the law. *Volkgeist Law Journal*, 3(1), 14-25.

<sup>7</sup>Ananda, RF, Ediwarman, E., Yunara, E., & Ikhsan, E. (2023). Legal Protection for Children as Victims of Sexual Abuse Crimes in a Victimology Perspective. *Locus Journal of Academic Literature Review*, 2

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2016 to 2021, the rape victims and even his wife did not have the courage to report because of alleged brainwashing by the perpetrator. Herry Wirawan's trial culminated in the decision of the Bandung District Court Panel of Judges to sentence him to life imprisonment as in the indictment of the primary prosecutor of the Public Prosecutor (JPU). However, the Prosecutor filed an appeal so that the judges examining the facts (*judex facti*) sentenced Herry Wirawan to death.

The police's authority is not limited to law enforcement, but also pays attention to social aspects, the Police have a Women and Children's Service Unit (PPA). This PPA Unit plays a role in accordance with the regulations of the Chief of the Republic of Indonesia National Police, which assigns them to provide protection and services to women and children who are victims of crime, as well as enforcing the law against perpetrators of these crimes.

Based on the background description that has been described above, have cases of sexual harassment against children in the city of Semarang been handled in accordance with applicable law, so that the main focus of the author is to raise a legal writing or thesis with the title "Legal analysis of legal protection for children as victims of criminal acts of sexual harassment".

## **2. Research Methods**

The research specification used in this study is a descriptive analytical research. Descriptive analytical is describing the condition of the object being studied and a number of factors that influence the data obtained are collected, arranged, explained and then analyzed.

## **3. Results and Discussion**

### **3.1. Effectiveness of Legal Protection for Child Victims of Sexual Abuse by the Women and Children's Service Unit (PPA) at the Semarang Police**

Everyone, including women and children, is vulnerable to crime. Recently, there have been several cases of sexual violence involving minors whose perpetrators are adults or people close to the victim, which usually disturbs all parties. The police have a significant role in handling this. Under the direction of the Chief of Police, the Criminal Investigation Unit is tasked with carrying out its main objectives. The Criminal Investigation Unit uses the Notification Letter for the Progress of Investigation Results (SP2HP) to carry out or improve the function of investigating criminal acts, providing special services and protection to victims, perpetrators of child crimes, and women's behavior, as well as investigative services, and civil servant investigator services (PPNS)<sup>8</sup>. Operational and administrative aspect inspection is conducted in accordance with the laws and regulations. Semarang Police is tasked with carrying out the main tasks of the Police, in maintaining public security and order, enforcing the law, as well as providing protection, shelter and service to the community and carrying out other Police duties in the Polres legal preaching, in accordance with the provisions of the Law.

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<sup>8</sup>Janaloka Journal, Vol 1 No 2 2022, page 6.

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Semarang Police performs the following functions<sup>9</sup>:

1. Provision of police services to the community;
2. Implementation of intelligence functions in the security sector to ensure early detection and early warning;
3. Investigation and prosecution of criminal acts;

Meanwhile, regarding investigations, this is regulated in Article 1 number 2 of the Criminal Procedure Code, which states that

"Investigation is a series of investigative actions in and according to the methods regulated in this law to seek and collect evidence which with this evidence sheds light on the crime that occurred in order to find the suspect."<sup>10</sup>

The PPA Unit is tasked with providing services in the form of protection for women and children who are victims of criminal acts and prosecuting perpetrators of criminal acts. The PPA unit's work environment includes: human trafficking, human smuggling, violence against women and children, immoral acts (rape, molestation, molestation), gambling and prostitution, illegal adoption, and others including crimes against pornography and pornographic behavior, protection of victims, witnesses, family members, friends, and other cases where the perpetrators are women and children.<sup>11</sup>

Handling cases of women against the law is only part of the work of the PPA Unit of the Semarang Police. Initially, this section was known as the Special Service Room (RPK). Concentrated on handling victims, witnesses, or suspects involving children or women in the sense of "special". The duties of the PPA unit include protecting women and children who are victims of crime and prosecuting perpetrators of criminal acts. The work environment of the PPA unit includes human trafficking, human smuggling, violence against women and children, acts of indecency (rape, indecency, obscenity), gambling and prostitution, illegal adoption, and other things such as crimes against pornography and pornographic behavior, as well as cases where the perpetrators are women and children. This also includes the protection of victims, witnesses, family members, and friends. Cases of sexual violence fall within the scope of handling of the PPA Unit of the Semarang Police.

#### 1. Abuse of Women

Article 351 of the Criminal Code

- 1) Abuse is punishable by a maximum prison sentence of two years and eight months or a maximum fine of four thousand five hundred rupiah.
- 2) If the act results in serious injury, the perpetrator is threatened with a maximum prison sentence of five years.
- 3) If it results in death, the perpetrator is subject to a maximum prison sentence of seven years.

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<sup>9</sup>Interview Results of IPDA Nunuk Suprihatin, SH as Head of Sub-Unit 1 PPA SEMARANG CITY POLICE STATION on January 23, 2025.

<sup>10</sup>Research at Semarang Police Headquarters 2025.

<sup>11</sup>Muhammad Rhazi, Authority to Apply Rules on Criminal Acts of Indecency Whose Victims Are Children, Media Iuris Vol. 5 No. 1, page 88.

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## 2. Domestic Violence

Article 44 physical violence of the Law on the Elimination of Domestic Violence

Article 44 Domestic Violence paragraph 1

## 3. Sexual Abuse with Threats of Violence

Article 289 of the Criminal Code Criminal threat of violence for indecent assault

## 4. Physical Sexual Harassment

Article 6 letter a Law no. 12 of 2022 UUT PKS reads:

## 5. Committing violence or threats of violence to force a woman to have sexual intercourse

Article 285 of the Criminal Code

Next is social reintegration, reunification with a substitute family, economic and social empowerment, Education<sup>12</sup>.

## 1. Victim Reporting and Protection

In accordance with its duties and obligations, the PPA must receive the report. The victim in this case is a woman, so it is legally authorized to make a report when the PPA Unit police receive it from the victim. If the victim is a minor, she will be accompanied by her guardian. The Report Acceptance Letter (STPL) is sent to the reporter when reporting to the Police Service Center (SPK).

The PPA Unit here only processes from the beginning until it is transferred to the prosecutor's office until the trial is still needed to ensure the victim and bring in the victim and witnesses, so it can be said that the PPA Unit plays a role in taking care of the victim and the police assisting in the investigation until it reaches the prosecutor's office. Several organizations that have counseling in the field of women's protection are ready to help and provide first aid by NGO institutions. Several Non-Governmental Organizations (NGOs) included in NGOs such as: Gender Justice and Human Rights (KJHam), Seruni Integrated Service Center (PPT), Witness and Victim Protection Agency (LPSK) and the Women's Empowerment and Child Protection Service (DP3A). Meirika works with the police to enforce the TPKS Law that has been passed and some of the assistance provided such as:

a. Accompanying Victims of Sexual Violence as a Role of State Institutions must ensure and include the role of institutions as service facilitators for residents in the form of integrated service centers so that they can process assistance and protection for victims.

b. Victim Funding for victims of sexual violence. This assistance fund is given when the victim is undergoing a case handling process, civil lawsuit or execution of a verdict.

## 2. Crime Scene Investigation to find witnesses and evidence

Visiting the scene to find sources from incoming reports to find the existence of behavior to facilitate investigators in the investigation process, looking for witnesses and evidence. The criminal elements are fulfilled, investigators will seek witness statements and evidence based on Article 184 of the Criminal Procedure Code, namely:

### 1. Witness testimony;

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<sup>12</sup>Interview Results of IPDA Nunuk Suprihatin as Head of Sub-Unit 1 Unit VI PPA Semarang Police on January 23, 2025.

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2. Expert testimony;
3. Letter;
4. Instruction;
5. Defendant's statement.

The police are looking for witnesses and related evidence. The post-mortem psychic examination will be requested from the victims. Because there must be at least 2 (two) pieces of evidence and witnesses to support the officer's statement, the post-mortem examination serves as evidence. If the case requirements are met, the behavior is identified, and the case is in the Semarang Police area, then the case is given a determination starting from the investigation stage. In addition, a post-mortem letter issued by a local hospital is usually needed, the PPA Unit will help the victim to heal wounds if there are physical injuries to the victim and will appoint a referral hospital back to a government hospital or private hospital in Semarang City, but if psychological care is needed for the victim, the PPA Unit has the Seruni Unit to help bring in Psychologist assistance<sup>13</sup>.

### 3. Investigation

In Article 1 number 5 of the Criminal Procedure Code it is stated that an investigation is Investigators have the authority to conduct investigations, namely: receiving reports or complaints, seeking information and evidence, ordering suspicious people to stop, taking other actions according to the law.

The investigation was carried out based on:

1. Information or reports received or known directly by investigators/investigators;
2. Police report;
3. Minutes of the examination at the scene of the crime.

Investigation is basically not a stand-alone action. Therefore, investigation can be said to be part of the investigation function.

The purpose of the investigation is to obtain information, evidence or data needed to:

1. Determining whether an event that occurs is a criminal act or not;
2. Who can be held responsible for the crime; and
3. Preparation for taking action After the investigation is completed, the investigator processes the data that has been collected and compiles it into an investigation report consisting of:
  - a. Source of data or information;
  - b. What data or information was obtained from each source;
  - c. Evidence;
  - d. Analysis;
4. TitleCase

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<sup>13</sup>Interview Results of IPDA Nunuk Suprihatin, SH as Head of Sub-Unit 1 Unit IV PPA SEMARANG CITY POLICE STATION on July 24, 2025

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After the investigation is conducted, a case title will be conducted which functions to determine the status of a criminal case or not, formulate an investigation plan, determine the elements of the articles that are suspected, determine witnesses, suspects and evidence. According to Article 15 of the Regulation of the Chief of Police Number 14 of 2012 concerning the Management of Criminal Investigations ("Perkapolri 14/2012"), a case title is one of a series of investigation activities. The stages of investigation activities carried out include:

- a. evaluation and resolution of problems encountered in the Investigation;
- b. knowing the progress of the investigation achieved and efforts to accelerate the completion of the investigation;
- c. determine further investigation plans;

#### 5. Investigation

After receiving a report from someone, the investigator checks the truth of the report or complaint by checking the scene. If the report or complaint is true that a criminal incident has occurred, then if the suspect is still at the scene, the investigator can prohibit the suspect from leaving the scene. Furthermore, the investigator conducts the necessary investigations including checking the suspect's identity or ordering people suspected of committing a crime to stop and prohibiting people from entering and leaving the scene. Then the investigator must try to find and collect information and evidence used to commit the crime. Investigations can be carried out if there is sufficient initial evidence, consisting of: Police Reports, Witnesses, Evidence and the Presence of a suspect or perpetrator of a crime.

#### 6. Examination of Behavioral BAP and Witness BAP

The BAP against witnesses is made by collecting witnesses to seek information and statements because it is related to the crime that has been committed and investigators have the authority to summon witnesses to be heard. If you refuse to be summoned as a witness, it is considered a crime according to the Criminal Code (KUHP). and is regulated in Article 224 Paragraph (1):

Anyone who is called as a witness, expert or interpreter according to the law and intentionally does not fulfill the obligations under the law that he must fulfill, is threatened with:

1. in criminal cases, with a maximum prison sentence of nine months;
2. in other cases, with a maximum imprisonment of six months.

If the witness is afraid because of being threatened, the first step, the victim must first convey directly about the witness's fear to the investigating police so that the person concerned is given legal protection. In addition, this is also important to do so that the police take action against behavior if there is a criminal act of threat. Or you can report to LPSK, an institution that is tasked and authorized to provide protection and other rights to Witnesses and/or Victims.

The police made the Examination Report of the perpetrator which contains what the suspect himself did and reviewed from the evidence, and it should be noted that this BAB has the power of a free nature and the BAP of the suspect/perpetrator is made to determine the

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behavior by the investigator based on the previous sequence. Examination of suspects and witnesses is the most important part or stage in the investigation process. From the suspect and witnesses, information will be obtained that will be able to reveal everything about the crime that occurred.

#### 7. Arrest

As a continuation of the act committed by someone, if the investigator has a strong suspicion accompanied by sufficient initial evidence, the investigator can arrest the suspect. The investigator who makes the arrest must show the Task Order and Arrest Warrant to the suspect. The Arrest Warrant includes the suspect's identity, the reason for the arrest, a brief description of the alleged crime and the place of examination. After all is completed, the officer is required to report and make a report.

#### 8. Detention

For the purpose of investigation, if it turns out that the suspect has actually committed a crime of sexual violence or is strongly suspected of committing a crime based on sufficient initial evidence for the purpose of the judge's examination in court, then the suspect can be detained.

Detention according to Article 1 point (21) is

"the placement of a suspect or defendant in a certain place by an investigator, or public prosecutor or judge with its implementation, in the case and according to the method regulated in this law."

Article 20 of the Criminal Procedure Code authorizes investigators, public prosecutors or judges to make arrests or further detentions where each time the detention is carried out, a detention warrant must be used. In this case, the investigators detained the suspect. The purpose of the detention was due to concerns that the suspect or defendant would flee, damage or remove evidence or repeat the crime.

#### 9. Search

After a search warrant is issued by the court, the investigator will search and show the letter of assignment that has been made to the suspect and also witnessed by 2 witnesses. The authority to search is regulated in Article 32 of the Criminal Procedure Code.

"For the purposes of investigation, investigators may conduct house searches or clothing searches or body searches according to the procedures determined in this law."

Investigators are not permitted to examine or confiscate letters, books and other writings that are not objects related to the crime in question, except objects that are related to the crime in question or that are suspected of having been used to commit the crime.

#### 10. Foreclosure

It is explained in Article 1 Number 16 of the Criminal Procedure Code that:

"Confiscation is a series of actions by investigators to take over and/or keep under their control movable or immovable, tangible or intangible objects for the purposes of evidence in investigations, prosecutions and trials."

If an investigator is going to confiscate an item, then the item to be confiscated must first be shown to the owner of the item or his/her family and can ask for information about the

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item. After carrying out the confiscation, the investigator makes a confiscation report, then the report is read in front of the person concerned. The purpose of the confiscation is necessary to provide the judge with confidence that the suspect has committed the crime. When an investigator is going to confiscate evidence, he/she must first show proof of identity, a letter of assignment and so on to the owner of the item.<sup>14</sup>.

#### 11. Completion of Investigation

After the investigator feels that the investigation into a criminal act is sufficient, the investigator, by virtue of his oath of office, will immediately make a report. This investigation report will also include all the reports made in connection with the actions required in the investigation.

The following is an example of sexual violence against women taken from the Semarang Police:

##### Chronology of Events:

1. Identity of the perpetrator: Muhammad Alfarel Lazuardi (22 years old), resident of Banjarsari, Bringin, Ngaliyan District, Semarang City. Works as a car washer.
2. Motivation: The perpetrator admitted to committing the harassment due to uncontrollable sexual urges. He admitted to often watching porn and masturbating, but chose to vent his lust by randomly squeezing the victim's breasts. The perpetrator also stated that he was not married, did not have a girlfriend, and had never used prostitution services.
3. Target: The perpetrator deliberately targeted junior high school students who were still wearing their school uniforms, because they were thought not to fight back.

##### First Action: September 13, 2024

When the victim was off guard, the perpetrator squeezed the victim's breasts.

Different from the first action, this time the victim reacted quickly and tried to chase the perpetrator. In the pursuit, the victim was dragged by the perpetrator's motorbike, causing the victim to fall to the asphalt and suffer minor injuries.

This action was clearly recorded by CCTV cameras around the location, which showed the perpetrator committing harassment and the victim trying to fight back.

- Impact on Victims: In addition to psychological trauma, the victim suffered physical injuries from falling and being dragged by the perpetrator's motorbike. The victim also experienced deep fear due to this incident.

The obstacles faced by the police in handling sexual violence cases start from the investigation process. Based on the results of an interview with Kompol Aris Munandar, the obstacles often experienced are:

#### 8. Internal Barriers

##### a. Facilities and Infrastructure Factors

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<sup>14</sup>Romy Bobby Manumpah, 2021, RETURN OF EVIDENCE IN THE SETTLEMENT OF CRIMINAL CASES BASED ON THE KHI, Lex Crimen Vol. X/No.5/Apr/EK 2/2021.

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Lack of adequate facilities and infrastructure for investigation and disclosure of sexual violence against women in the PPA Unit of Semarang Police, namely a narrow investigation area, office equipment that is not covered by the government such as computer equipment, shelves for storing files and tables and chairs so that investigators do it themselves, there is less than optimal use of the investigation room, limited funds or costs to investigate a crime of sexual violence against women.

#### b. Factor Human Resources

The resources of law enforcement officers are very influential in law enforcement so that the lack of law enforcement officers will hamper legal protection. The number of investigators in the PPA Unit of the Semarang Police is limited, making it very difficult for investigators to resolve reported cases quickly. In carrying out legal protection, many cases are hampered or carried out but very slowly. Of the several investigators, only a few people are ordered to handle cases of sexual violence against women, this happens because the cases handled by the PPA of the Semarang Police are very numerous while the number of personnel is limited, therefore they must be distributed in handling cases. In carrying out their duties, investigators move on sprints (task orders) issued by the Head of the Unit but in the appointment it is done in turns so that law enforcement is not effective.

This is because the number or quota of investigators is lacking in personnel. Currently, the number of investigators in the PPA Unit of the Semarang Police is very limited to reveal acts of sexual violence against children in the city of Semarang and in the current conditions, one investigator must reveal around 5-7 Police Reports so that investigators must work extra hard. The number of personnel is far in comparison to the size of the city of Semarang and its population, so that the implementation of disclosing acts of sexual violence against women in Semarang is still less than optimal.<sup>15</sup>

#### c. Perpetrator of Sexual Violence Against Women Escapes

The reported behavior usually involves running away and hiding in a certain area/city before being caught by investigators.

Investigators often have difficulty in finding the behavior that has fled and become a fugitive. Investigators from the Semarang Police have coordinated with the Central Java Police to track down the perpetrators of sexual violence against women who often flee throughout Central Java. If it does not produce real results, the Central Java Police will share DPO information with all Polres in Indonesia to track down the whereabouts of the perpetrators who fled.

Based on the results of the interview with IPDA Nanik Suprihatin, SH as Head of Sub-Directorate I Unit VI PPA Polrestabes Semarang on July 24, 2023, investigators experienced obstacles when the perpetrators of sexual violence against women fled to a city. The location that investigators found most difficult to find the perpetrators who fled was when the perpetrators fled to remote areas that were difficult to track. This is because most people in remote areas still do not know the applicable criminal law so that investigators must bring a large number of troops to capture the behavior. It is considered that the investigators also lack information about the behavior so that this makes it even more

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<sup>15</sup>Interview Results of Kopol Aris Munandar as Deputy Chief of Criminal Investigation Unit of Semarang Police on January 24, 2025

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difficult for investigators to find the behavior. Investigators have difficulty tracking the whereabouts of the perpetrators who fled without knowing their faces and cellphone signals that have been inactive. The information obtained by investigators is only information about their physical characteristics, home address, telephone number, temporary whereabouts of the behavior so that investigators find it difficult to know clearly. This is also because the amount of information provided by relatives of the behavior, victims, and victims' families is often different from the results of investigators' searches in the field.

The provisions of the Chief of Police Regulation 14 of 2012 and the Chief of Police Regulation Number 3 of 2014 concerning Standard Operating Procedures for the Implementation of Criminal Investigations determine the requirements for issuing a Wanted List (DPO).

The steps in the DPO issuance procedure are:

- 1) That the person being sought is truly believed to be involved as a suspect in a criminal act based on sufficient evidence, and is threatened with the criminal articles that are suspected of being against him.
- 2) Suspects suspected of having committed a crime have been summoned and coercive measures have been taken in the form of arrests and searches in accordance with applicable laws, but the suspect has not been found;
- 3) The person who makes and signs the DPO is the investigator or assistant investigator, with the knowledge of the superior of the investigator or assistant investigator and/or the Work Unit as the investigator;
- 4) After the DPO is issued, the follow-up action taken by investigators is to publish it to the public through the Public Relations function in their area; then send it to other Police Units and must forward the information to the parallel for publication.
- 5) Follow-up to the DPO that has been issued by investigators, the distribution of which is regulated as follows:
  - a. The DPO issued by Bareskrim is distributed to the regional police ranks;
  - b. The DPO issued by the Regional Police level is distributed to Bareskrim, the National Police within its ranks and other Regional Police;
  - c. DPOs issued at the Polres level are distributed to the Polda superiors, Polres within the Polda ranks and Polsek within their ranks;
  - d. The DPO issued at the Polsek level is distributed to the Polres superior and Polsek within the Polres ranks.
- 6) DPO must create and explain in detail such as the complete identity of the Police Unit that issued the DPO; Investigator's telephone number that can be contacted; Police report number and date; Reporter's name; Brief description of the incident; Criminal Act Article violated; Characteristics/identity of the suspect being sought (included is a photo with complete special characteristics of the person being sought including: name, age, address, occupation, height, skin color, gender, nationality, hair, nose, fingerprints and others).
- 7) After making a DPO, the investigator/assistant investigator must immediately make/fill in/record it in the DPO register;

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8) After sending the DPO letter to the intended address, within a certain period of time the investigator must check by telephone/letter to the National Police unit at the address to find out the progress of the DPO letter;

9) In the event that a DPO (Suspect) has been caught by another police unit, they can immediately contact/notify the investigator handling the case to hand over/pick up the suspect, accompanied by a report on the handover/receipt of the DPO (Suspect);

10) After the suspect who is included in the DPO is caught and/or surrenders, an examination will be carried out immediately and the investigator will immediately issue a letter revoking the DPO;

11) If a suspect who has been listed as a DPO is feared to flee abroad, then prevention can be carried out on their departure abroad through Immigration, the procedures for which will be regulated separately;

12) For DPOs (Suspects) who are known to have fled abroad, a Red Notice can be submitted through Interpol/Divhubinter Polri, the implementation of which will be regulated separately.

## 9. External Barriers

### a. Uncooperative Victim

Investigators had difficulty obtaining information from the victim who had severe trauma. The severe trauma experienced by the victim is very vulnerable to being asked for information on the sexual violence crime she experienced.

For victims who experience severe psychological trauma, victims of sexual violence, sodomy or molestation in situations like this are usually difficult to communicate for the sake of investigation or inquiry. This obstacle is caused by the fear of the victim who is a victim of sexual violence will definitely experience prolonged trauma and will not easily forget the incident that has been experienced, resulting in the victim having difficulty communicating with the police, the reasons often expressed by the victim include:

1. The victim still remembers the violent incident and becomes less confident;
2. The victim is afraid that his identity will be known to the public;
3. The victim is afraid and embarrassed if their shame is revealed; And
4. The victim feels ashamed when dealing with the law or the police.

The PPA Unit in dealing with this problem collaborates with PPT Seruni and Psychologists. The task of PPT Seruni itself is to accompany the victim from the beginning of the complaint until the court process is completed in the form of

- a. Efforts at medical rehabilitation and social rehabilitation, both within and outside institutions;
- b. Safety assurance, both physical, mental and social; and
- c. Ease of obtaining information regarding case developments.

Psychologists themselves have a role in providing assistance to victims for recovery and to evaluate parents on how to treat their children in the future. Clinical psychologists also have the task of evaluating victims of sexual violence, because in cases of sexual violence, they

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have limited ability to explain the incident that happened to them and it is difficult to ask for information due to trauma. Quite a lot of victims of sexual violence are silent and afraid, making it difficult to ask for information, which results in the police having difficulty in the investigation process.<sup>16</sup>.

**b. Lack of Information Regarding Criminal Acts of Sexual Violence Against Women in Society**

Efforts to combat sexual violence crimes are efforts to prevent the rampant crime of sexual violence by using various alternative means. Crime is a social symptom faced by society. The existence of crime is very disturbing, besides that it also disturbs the peace and order of society.

Crime prevention efforts are an inseparable part of community protection efforts. Therefore, it can be called the ultimate goal of criminal policy, namely protection to achieve community welfare.

Based on research conducted by researchers at the Semarang Police Headquarters in response to the lack of information or lack of legal awareness regarding criminal acts of sexual violence, PPA members have made maximum efforts to protect children, namely in the following ways:

- 1) The existence of counseling from one place to another which are areas, sub-districts that are vulnerable to sexual violence crimes. Public concern for sexual violence crimes that occur in the community is very necessary;
- 2) Socialization by PPA members in educational institutions, because the victims of this crime are women, this is done to anticipate so that women can know what sexual violence is so that women can protect themselves from crimes of sexual violence. Stakeholders in the field of education must actively participate in efforts to prevent and protect victims of sexual violence because this can threaten the future of the nation.

**c. The Difficulty of Disabled Witnesses**

Difficulty in communicating between witnesses and investigators causes difficulties for witnesses with disabilities in providing information, so a sign language interpreter is needed, which is often used by deaf witnesses with disabilities to communicate with investigators who are presented by the witness themselves or by the investigator. This is so that investigators can communicate well with witnesses so that they can provide information that can later become a guide for judges to decide on criminal cases committed by the defendant.

It is a big problem for investigators where this deaf witness has no academic educational background and cannot use sign language because a deaf person has a more frontal nature, has an excessive fear of new people who are considered to be pressing him, and considers himself the most correct. A deaf witness who does not understand the intent and purpose is presented in the investigation process.

### **3.2. Obstacles and Solutions Faced by the PPA Unit of Semarang Police in Implementing Legal Protection**

In granting all forms of children's rights as victims of sexual violence crimes at the Semarang

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<sup>16</sup>Ibid

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Police carried out by investigators, of course, there are obstacles in the field in carrying out their respective duties. These obstacles or barriers make it not run optimally regarding the granting of children's rights as victims where according to the theory of legal effectiveness according to Lawrence Meir Friedman, the success or failure of law enforcement depends on the Substance of Law, Legal Structure/Legal Institutions and Legal Culture. Obstacles can be explained in detail as follows<sup>17</sup>:

1. Legal Factors: In Lawrence Meir Friedman's theory, this is referred to as a Substantial system that determines whether or not the law can be implemented. In this case, the substance related to children as victims is still lacking, because the Child Criminal Justice System Law and the Criminal Procedure Code tend to regulate the rights of children as perpetrators. With this, the rights of children as victims are not balanced with when children become perpetrators. The legal factor, meaning in terms of its relationship to the laws in force in Indonesia which are increasingly diverse in form and purpose and almost in everyday life, people must obey these regulations.

This special protection is carried out through efforts:

Prompt treatment includes physical, psychological and social treatment and/or rehabilitation as well as prevention of disease and other health disorders.

Psychosocial assistance during treatment until recovery. Where the assistance carried out by the PPA Polres Semarang based on the results of the interview that the author obtained that in providing assistance, the Semarang Police collaborated with the YLPA in order to provide psychosocial assistance which was carried out by visiting the residence of the child victim of sexual violence (Home Visit). The assistance provided is usually only carried out in 1-3 meetings, but it all depends on the condition of the child victim.

This means that in the assistance provided, in this case the Semarang City Police are assisted by YLPA in fulfilling the rights of child victims, considering that the role of the police emphasizes more on criminalizing the perpetrators so that the fulfillment or protection of the victim's rights is not fully provided by the Semarang Police but is also assisted by Social Workers in this case, namely YLPA Semarang. Based on an interview conducted with Mr. Heri Nurdiyanto as a YLPA Member who explained that:

"For this assistance, we start with the introduction and willingness of the victim's family, after the family agrees to undergo psychosocial assistance, we enter the assessment process, so this assessment is a stage of revealing and understanding the problems of children who are in conflict with the law. It is carried out on children, families and the surrounding environment that influences the child. When conducting an Assessment, there are several instruments used to help dig up information in order to solve problems for clients by using body maps, History Maps, Genograms, Eco Maps, and finally Life Road Maps."<sup>18</sup>

So based on the results of the research conducted by the researcher, that the media used during the assessment to help dig up information from victims, especially children, is very effective, because by using the media, whether body maps, dolls or pictures, children tend

<sup>17</sup>Slamet Tri Wahyudi. "Problematics of Implementing the Death Penalty in the Context of Law Enforcement in Indonesia". Journal of Law and Justice, Vol. 1, No. 2. 2012. P. 217.

<sup>18</sup>Interview with Mr. Heri Nurdiyanto as a Member of YLPA Semarang, February 2, 2025.

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to tell stories more easily because they are made to look like they are playing. So that it makes it easier for social workers to dig up information which of course is accompanied by support from the victim's family. The role of the social worker himself positions himself as a friend of the victim, so that the victim can clearly explain what he has experienced and needs.

a. Provision of social assistance for children from underprivileged families; and provision of protection and assistance in every judicial process.

b. Furthermore, special protection for child victims of sexual crimes is carried out through efforts:

c. Education about reproductive health, religious values, and moral values, social rehabilitation;

Psychosocial assistance during treatment until recovery; and Provision of protection and assistance at every level of examination starting from investigation, prosecution to examination in court. There are rights that are not regulated in the Child Protection Law, namely the right to restitution for children who experience losses due to sexual violence. It is necessary for these rights to be included in the Child Protection Law so that the legal benefits contained in the Law can provide recovery and a sense of responsibility for children who experience sexual violence. This is as explained by Ipda Nunuk explaining:

"We do not provide restitution rights to victims, although basically there are losses experienced by victims of sexual violence, but what we do as mandated by the Child Protection Law is to provide assistance and recovery by involving social workers and with our partners, namely YLPA as an NGO that also helps provide assistance and recovery for victims of the trauma experienced by the victims."<sup>19</sup>. So on the basis of this lack of substance, the police often experience problems when the restoration of children's rights for losses experienced by the child cannot be carried out or determined in the amount of losses experienced by victims of sexual violence against children, so that law enforcers, especially in the city of Semarang, in their provision only always prioritize steps to ensnare psychosocial assistance during treatment until recovery; and c. Provision of protection and assistance at every level of examination starting from investigation, prosecution to examination in court. There are rights that are not regulated in the Child

Community Factors The community has an important role in providing protection for child victims of sexual violence. In accordance with Article 25 of Law No. 35 of 2014 concerning Child Protection, the obligations and responsibilities of the community towards child protection are carried out through community role activities in the implementation of child protection. The article above explains that in child protection, the community has an obligation to participate in improving the implementation and protecting children's rights. This is also in line with the results of the interview delivered by Ipda Nunuk who explained that "The community has an important role in providing protection by continuing to encourage the disclosure of cases of sexual violence, as well

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<sup>19</sup>Interview Results of IPDA Nunuk Suprihatin, SH as Head of Sub-Unit 1 PPA SEMARANG CITY POLICE STATION on January 23, 2025.

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as continuing to embrace the families of victims of violence."<sup>20</sup>.

Solutions In facing the challenges in granting the rights of children as victims of sexual violence, a holistic and collaborative approach is needed between various related parties. Strategic steps that can be taken include strengthening legal regulations, increasing the capacity of law enforcement officers, educating the community, and providing assistance services that are sensitive to the needs of victims. With a shared commitment, it is hoped that the rights of child victims can be optimally protected, providing a sense of security, and supporting their recovery process towards a better future.

By implementing these solutions synergistically, it is hoped that legal protection for child victims of sexual violence at the Semarang Police can run more effectively and provide a sense of justice for victims.

#### **4. Conclusion**

1. Conclusion regarding the effectiveness of legal protection for child victims of sexual harassment by the Children and Women's Service Unit at the Semarang Police Headquarters Based on the research results The effectiveness of legal protection for child victims of sexual harassment by the Women and Children's Service Unit (PPA) of the Semarang Police can be concluded as follows: Legally, legal protection has been supported by clear regulations, such as Law Number 35 of 2014 concerning Child Protection, Law Number 12 of 2022 concerning Sexual Violence Crimes (TPKS), and Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. These regulations provide a basis for law enforcement and victim protection. The PPA Unit of the Semarang Police has carried out its duties with a structured mechanism, including receiving reports, investigations, psychological assistance, investigations, and case transfers. Collaboration with institutions such as LPSK, KPAI, the Social Service, and community organizations also supports the physical, psychological, and social recovery of victims. The effectiveness of legal protection is constrained by the limited number of competent investigators, the lack of child-friendly examination room facilities, and limited operational budgets. This hampers the implementation of victim assistance and rehabilitation programs. Low public awareness to report cases, a culture of shame and fear, and a lack of legal education in schools and families are major challenges. Victims' psychological trauma also often complicates the investigation process due to reluctance to provide information. Despite good efforts, legal protection is not yet fully effective because it requires a more comprehensive approach. This includes strengthening institutions, increasing human resource competency, and active involvement of the community and educational institutions. Legal protection for child victims of sexual abuse by the PPA Unit of the Semarang Police has a strong legal basis and fairly good implementation, but is not yet fully effective due to internal obstacles (limited personnel, facilities, and budget) and external (low public awareness and victim trauma). Synergy between institutions, community education, and a restorative approach are needed to increase the effectiveness of legal protection for child victims. Based on the results of research at the Women and Children's Service Unit (PPA) of the Semarang Police regarding legal protection for children as victims of sexual harassment, it can be concluded that legally, this protection has a strong

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<sup>20</sup>Interview Results of IPDA Nunuk Suprihatin, SH as Head of Sub-Unit 1 PPA SEMARANG CITY POLICE STATION on January 23, 2025.

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and clear legal basis. This is evidenced by the existence of a number of laws and regulations such as Law Number 35 of 2014 concerning Child Protection, Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (TPKS), and Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. These three regulations provide a legal basis for law enforcement officers in handling cases of sexual violence against children. 2. Conclusion regarding the obstacles and solutions faced by the Women and Children Protection Unit at the Semarang Police in providing legal protection: The granting of rights to child victims of sexual violence at the Semarang Police Headquarters faces significant obstacles in three main aspects: Legal Substance, Legal Structure, and Legal Culture, which causes legal protection to not run optimally. However, the proposed strategic solution can increase the effectiveness of such protection. In legal substance there are obstacles in Law Number 35 of 2014 concerning Child Protection and the Criminal Procedure Code which regulates children's rights as perpetrators rather than as victims, causing an imbalance in protection. The absence of restitution regulations hinders the recovery of victims' losses, and despite regulations, the number of sexual violence against children continues to increase. In the legal structure there are constraints. Limited trained investigator personnel, minimal child-friendly examination room facilities, and limited operational budgets hinder case handling. Psychosocial assistance carried out with YLPA is limited to 1-3 meetings, depending on the victim's condition, so it is not always adequate. Low public awareness of children's rights, the assumption that violence against children is the right of parents, and a culture of shame that considers reporting as exposing family shame, especially when the perpetrator is a close family member, hinders reporting of cases. Legal protection for child victims of sexual violence at the Semarang Police has a strong legal basis, but its implementation is hampered by weaknesses in legal substance, limited institutional structures, and less supportive community culture. Solutions such as strengthening regulations, increasing the capacity of officers, providing facilities, community outreach, and collaboration between institutions (for example with YLPA, LPSK, and the Social Service) can increase the effectiveness of legal protection. A holistic approach that integrates legal, psychosocial, and restorative justice aspects is needed to ensure that the rights of child victims are fulfilled, provide a sense of security, and support their recovery as a whole.

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