

Effectiveness of Legal Protection For Children As Witnesses In Cases of Sexual Violence (Case Study of Pati Police)

Ika Mala Arwani

Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia,

E-mail: ikamalaarwani.std@unissula.ac.id

Abstract. *This study aims to identify and analyze the regulations on the protection of children as witnesses in cases of sexual violence in Pati Regency. It also aims to identify and analyze weaknesses and solutions in the implementation of child protection as witnesses in cases of sexual violence in Pati Regency. The type of legal research used is empirical juridical. In this non-doctrinal legal research, law is conceptualized sociologically as an empirical phenomenon that can be observed in life. Substantively, law is seen as a social force that is empirical in nature, but which is seen legally and works for the actual behavior of citizens. The research theories used are Socrates' Theory of Legal Protection, Lawrence M. Friedman's Theory of Legal Systems, and Satjipto Rahardjo's Progressive Theory of Law. Based on the research results, it is known that the protection of children as witnesses in cases of sexual violence in Pati Regency has been regulated by law, but many children still become victims of threats during the legal process, as stated by the Director of the National Advocacy Legal Aid Institute Pati, Maskuri Alfaty. The weaknesses of this protection include the inability of Law Number 31 of 2014 concerning Witness and Victim Protection to act without a complaint, the lack of sensitivity of law enforcement officers to the emotional needs of children, inadequate child-friendly courtroom facilities, and a lack of public understanding of children's rights and witness protection mechanisms. Suggested solutions include the creation of specific guidelines for law enforcement officers, the use of technology to reduce the physical presence of children in court, and guarantees of confidentiality of children's identities. Going forward, the effectiveness of legal protection needs to be directed at reforming the legal system that is oriented towards humanity and substantive justice, where law enforcement officers prioritize the values of empathy and the best interests of children.*

Keywords: *Children; Legal; Protection; Sexual; Witnesses.*

1. Introduction

Disorders of adolescence and childhood, known as childhood disorders, which cause minor emotional distress and other mental disorders in perpetrators, can later develop into juvenile delinquency. Crimes committed by young people are essentially a product of their society and all the social interactions within it. Juvenile crime is considered a social ill.¹ General Explanation of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, that children in conflict with the law are children in conflict with the law, children who are victims of the law, and children who are witnesses to criminal acts. Although children can determine their own actions based on their thoughts, feelings, and will, their surrounding circumstances can influence their behavior.²

The best interests of the child are in all actions and decisions concerning children, whether carried out by the family, society, or law enforcement, the child's survival and development must always be the primary consideration. Respect for children's opinions is to provide children with the freedom to develop their creativity and intellect (reasoning power). Respect for children's rights to participate and express their opinions according to the child's age level in decision-making, especially when it concerns matters that affect the child's life.³ Furthermore, it is explained in the explanation of Law No. 11 of 2012 concerning the Juvenile Justice System that children are an inseparable part of human survival and the continuity of a nation and state. Thus, children are an important component of the Indonesian nation and therefore their position is as a party that must be protected. Law No. 11 of 2012 concerning the Juvenile Justice System also explains that children have a strategic role which is expressly stated that the state guarantees the rights of every child to survival, growth, and development as well as to protection from violence and discrimination.⁴ Therefore, the best interests of children should be considered as the best interests of the survival of humanity. The consequences of Article 28B of the 1945 Constitution of the Republic of Indonesia must be followed up by creating government policies aimed at protecting children.⁵

Director of the National Advocacy Legal Aid Institute of Pati, Maskuri Alfaty said that there were 20 children as victims and witnesses in cases of sexual violence who were victims of threats by the perpetrator, so that the child victims and

¹Kartini Kartono, *Social Pathology 2 Juvenile Delinquency*, Rajawali Pers, Jakarta, 1992, p. 4.

²<https://www.hukumonline.com/berita/a/mengenal-anakyang-berhadapan-dengan-hukum-lt64081e7f1eea9/>, accessed May 29, 2025.

³Sri Endah Wahyuningsih, "Legal Protection for Children as Victims of Criminal Acts Against Morality in Current Positive Criminal Law", *Journal of Legal Reform*, Volume III, No. 2, 2016, p. 173.

⁴Wiwik Afifah, "Legal Protection for Children as Witnesses in the Juvenile Criminal Justice System" *DIH Journal of Legal Studies*, Vol. 10, No. 20, 2014, p. 64.

⁵Erwin Asmadi, "Legal Protection for Children as Witnesses in Criminal Case Examination", *IURIS STUDIA: Journal of Legal Studies*, Volume 1, Number 2, 2020, p. 53.

witnesses in the crime of sexual violence were reluctant to give their testimony to the investigators, this resulted in the difficulty of handling cases of sexual violence in Pati Regency. Maskuri added that one of the threats experienced by children as victims and witnesses in cases of sexual violence in Pati Regency was experienced by 16-year-old YM in Pati Regency, the threats that were often made were threats in the form of spreading the rape committed by the perpetrator, this made the victim who was then asked for testimony to be silent and did not dare to convey the crime that had been experienced, the perpetrators were a gang group that had often committed crimes in the community. This alleged rape incident occurred on May 24, 2025. The incident began when the victim from Margoyoso was going to Pati Regency by bus. At that time, it turned out that there was a man riding a motorbike inviting the victim and would be taken to Pati City. The incident occurred on May 24, 2025. The victim was waiting for a bus to Pati City. A gang member approached her and gave her a ride. Instead of taking her to Pati City, they took her to a hotel in Pati. The perpetrators gave her alcohol and drugs. After she was high, she was raped by five perpetrators at a hotel. Maskuri then stated that YM's case demonstrates that the juvenile criminal justice system still has weaknesses in child protection. in provide testimony regarding the crime they experienced. These weaknesses include the lack of clear regulations regarding child support during the judicial process, the lack of guarantees of complete confidentiality of children's identities, and the potential for trauma experienced by children as a result of the judicial process.⁶

Based on various existing explanations, it is clear that the implementation of protection for children as witnesses in cases of sexual violence in Pati Regency has not been able to be optimally realized. This study aims to identify and analyze legal protection for children as witnesses in cases of sexual violence, identify and analyze the weaknesses of legal protection for children as witnesses in cases of sexual violence, and to identify and analyze the effectiveness of legal protection for children as witnesses in cases of sexual violence in the future.

2. Research Methods

In the research, the author applies an empirical jurisprudence research method, namely research that is based on observations, experiences, or real data obtained from the real world, not just abstract theories or concepts.⁷ The empirical legal approach in this study means that in analyzing the problem, it is done by combining legal materials (which are secondary data) with primary data obtained in the field regarding In the study, the author applies the doctrinal research method to the Effectiveness of Legal Protection for Children as Witnesses in Sexual

⁶Interview with Maskuri Alfaty as Director of the National Advocacy LBH Pati on June 20, 2025.

⁷Irwansyah, 2022, Legal Research, Mirra Buana Media, Yogyakarta, p. 43

Violence Cases (Pati Police Case Study). The data analysis method used is qualitative descriptive analysis.

3. Results and Discussion

3.1. Legal Protection for Children as Witnesses in Cases of Sexual Violence

Protection according to Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims is all efforts to fulfill rights and provide assistance to provide a sense of security to Witnesses and/or Victims which must be implemented by LPSK or other institutions in accordance with the provisions of this Law. Then the definition of protection according to Law Number 23 of 2004 concerning the Elimination of Domestic Violence is all efforts aimed at providing a sense of security to victims carried out by the family, advocates, social institutions, police, prosecutors, courts, or other parties, either temporarily or based on a court decision.⁸

The definition of protection according to Government Regulation Number 2 of 2002 concerning Procedures for Protection of Victims and Witnesses in Serious Human Rights Violations is a form of service that must be carried out by law enforcement officers or security forces to provide a sense of security, both physical and mental, to victims and witnesses, from threats, harassment, terror, and violence from any party, which is given at the stage of investigation, inquiry, prosecution, and or examination in court. One of the legal norms used as a reference in enforcing and protecting women victims of sexual violence is the Criminal Code (KUHP). However, the regulation regarding legal protection for victims of sexual violence and sexual harassment in the Criminal Code is very limited. The Criminal Code does not recognize the terms sexual violence or sexual harassment, but rather recognizes the term indecent acts which are regulated in Articles 281 to 303 of Book II Chapter XIV concerning Crimes against Morality. In general, crimes against morality can be divided into, namely, Article 281 concerning violating morality in public, Article 282 and Article 283 concerning pornography, Article 284 concerning adultery, Article 285 concerning rape, Article 289 concerning acts that attack moral honor, Article 292 concerning sexual relations with the same sex, Article 296 concerning pimps, and Article 299 concerning abortion.⁹

The protection provided aims to prevent new problems for children in the future that cause children to become traumatized and damage their growth and

⁸Lina Panggabean, Triono Eddy, Alpi Sahari, "Legal Protection for Children as Victims of Sexual Violence (Analysis of the Witness and Victim Protection Law)", *IURIS STUDIA: Journal of Legal Studies*, 2024, pp. 25-27.

⁹Salsa Fadhila Putri Setyoadi, Heni Siswanto, Dona Raisa Monica, Diah Gustiniati, Refi Meidiantama, "Legal Protection for Child Witnesses in Criminal Acts of Sexual Violence Against Children (Study of Decision Number 18/ PID. SUS/ 2024/ PN.MET)", *Journal of Law and Citizenship*, Vol 15, No 4, 2025.

development in socializing. Protection is a very necessary step from the law for children so that children are not too burdened by existing problems that cause ongoing depression or prolonged trauma from what has happened and can be a source of strength for children in facing existing sexual crime cases. So that it does not damage the growth and development of children who can really still be fought for and can still carry out their future like most other children who do not have the same problems. Protection for children as victims of crime in the criminal justice process has been very minimal, although there have been several changes in the Child Protection Law, but these changes are in the sentencing of perpetrators of crimes against children rather than related to the protection provided by the government to the victims themselves, especially the psychological protection of victims who experience sexual crimes, so it is feared that child victims of crime who report the crime that happened to them will actually become victims again (revictimization).¹⁰

Heri added in his interview that he must pay attention to children's rights as protected in Articles 89, 90, and 91 of the Child Protection Law (SPPA) in this case. He stated that there is good legal protection to fulfill the rights of child victims and child witnesses with the presence of the Witness and Victim Protection Agency (LPSK). The examination process in this case was also carried out by prioritizing the conditions of the child victims and child witnesses so that psychological and physical safety was sought. The protection of child witnesses in this case was accompanied by LPSK representatives from the center with the permission and approval of parents and guardians. Child witnesses involved in this case receive protection for their personal and family security and are free from threats related to the testimony they will, are, and have given in the court environment.¹¹

Director of the National Advocacy Legal Aid Institute of Pati, Maskuri Alfaty said that there were 20 children as victims and witnesses in cases of sexual violence who were victims of threats by the perpetrator, so that the child victims and witnesses in the crime of sexual violence were reluctant to give their testimony to the investigators, this resulted in the difficulty of handling cases of sexual violence in Pati Regency. Maskuri added that one of the threats experienced by children as victims and witnesses in cases of sexual violence in Pati Regency was experienced by 16-year-old YM in Pati Regency, the threats that were often made were threats in the form of spreading the rape committed by the perpetrator, this made the victim who was then asked for testimony to be silent and did not dare to convey the crime that had been experienced, the perpetrators were a gang group that had often committed crimes in the community. This alleged rape incident occurred on May 24, 2025. The incident began when the victim from Margoyoso was going to Pati Regency by bus. At that time, it turned out that there was a man

¹⁰Ibid,

¹¹Interview with Heri Dwi Utomo as Head of Criminal Investigation Unit of Pati Police, September 12, 2025.

riding a motorbike inviting the victim and would be taken to Pati City. The incident occurred on May 24, 2025, when the victim was waiting for a bus to Pati Regency. A gang member approached her and gave her a ride. Instead of taking her to Pati Regency, they took her to a hotel in Pati. The perpetrators then gave her alcohol and drugs. After she was high, she was raped by five perpetrators at a hotel. Maskuri then stated that YM's case shows that the juvenile criminal justice system still has weaknesses in protecting children when they testify about the crimes they have experienced. These weaknesses include the lack of clear regulations regarding child support during the judicial process, the lack of guarantees of complete confidentiality of children's identities, and the potential for trauma experienced by children due to the judicial process.¹²

Legal protection is all efforts to fulfill rights and provide assistance to provide a sense of security to witnesses and/or victims. Legal protection for crime victims as part of community protection can be realized in various forms, such as through the provision of restitution, compensation, medical services, and legal aid. Legal protection in English is called legal protection, while in Dutch it is called *rechtsbecherming*. Legal protection for the community is very important because people, both groups and individuals, can become victims. Legal protection for crime victims is part of community protection, can be realized in various forms such as through restitution and compensation, medical services and legal aid.¹³

Based on the provisions above, the protection of children as witnesses in cases of sexual violence in Pati Regency has been regulated both in the dimension of the mandate related to the obligation of the nation and state to protect children as witnesses in cases of sexual violence and the mechanism for protecting children as witnesses in cases of sexual violence. However, based on information from the Director of the National Advocacy Legal Aid Institute Pati, Maskuri Alfaty, who said that there are still 20 children who are victims and witnesses in cases of sexual violence who are victims of threats during the legal process in Pati Regency still occurs.¹⁴

It is also clear that protection for children as witnesses in sexual violence cases in Pati Regency has not been optimally implemented. This clearly violates the principles of legal protection. According to Socrates, legal protection is centered on the concept that the law must reflect justice and truth, and that good law is law that aligns with the ideals of a just and just society. Socrates believed that humans possess insight that reveals good and evil, which serves as the basis for assessing the law.

¹²Interview with Maskuri Alfaty as Director of the National Advocacy LBH Pati on June 20, 2025.

¹³Rena Yulia, *Victimology: Legal Protection for Crime Victims*, Yogyakarta: Graha Ilmu, 2013, p. 19.

¹⁴Interview with Maskuri Alfaty as Director of the National Advocacy LBH Pati on June 20, 2025.

Therefore, according to the author, legal protection for children in relation to the phenomenon of sexual crimes is protection provided before and after a child becomes a victim of sexual crimes. Legal protection provided before a child becomes a victim of sexual crimes is preventive legal protection. Legal protection provided after a child has become a victim of crime is repressive legal protection. The protection provided aims to prevent new problems for children in the future, causing children to become traumatized and damaging their social development. Protection is an essential step taken by the law for children so that children are not overly burdened by existing problems that cause ongoing depression or prolonged trauma from what has happened. It can also serve as a source of strength for children in dealing with existing cases of sexual crimes. This does not harm the growth and development of children who can truly still fight for and still be able to continue their future like most other children who do not experience the same problems. Protection for children as victims of crime in the criminal justice process has so far been very minimal, even though there have been several changes in the Child Protection Law, but these changes are in the sentencing of perpetrators of crimes against children, not related to the protection provided by the government to the victims themselves, especially psychological protection for victims who experience sexual crimes, so it is feared that child victims of crime who report the crime that happened to them will become victims again (revictimization).

3.2. Weaknesses in Legal Protection for Children as Witnesses in Cases of Sexual Violence

The rise in crimes against morality aligns with the principle that "Behavior in sexual relations matters," which states that sexual abuse, whether committed by an adult couple, between adults, or with a minor, is a serious problem. Perpetrators of these crimes perceive children as potential targets for their sexual desires. The weaknesses in legal protection for children as witnesses in cases of sexual violence include:

1) Weaknesses in Law Making

Regulations related to the legal protection process for children as witnesses use Law Number 31 of 2014 concerning the Protection of Witnesses and Victims. It is clear that this law has weaknesses in Article 5 Paragraph (2) of the Law on the Protection of Witnesses and Victims.¹⁵Based on the Article does not describe legal protection for witnesses and/or victims does not apply automatically. That children as victims and/or witnesses should be a vulnerable group especially in handling cases of sexual violence crimes so that it needs to be addressed immediately. The law on witness and victim protection is considered less responsive to criminal cases and urgent situations. Weaknesses in legal protection

¹⁵Interview with Maskuri Alfaty as Director of the National Advocacy LBH Pati on June 20, 2025.

for children as witnesses in cases of sexual violence occur systematically starting from the legal regulations that are not comprehensive (substance), the readiness of officers and facilities (structure), to the culture of law enforcement and public perception (culture). Improvement efforts must be carried out comprehensively so that the rights of children as witnesses are fully protected and the legal process does not add to the suffering of children. Law No. 13 of 2006 Jo. Law No. 31 of 2014 concerning Protection of Witnesses and Victims and Regulation of the Witness and Victim Protection Agency of the Republic of Indonesia Number 1 of 2024 concerning Service Standards in the Environment of the Witness and Victim Protection Agency have not specifically regulated the regulatory dimension of Protection for children as witnesses in the criminal justice process in Indonesia, especially children as witnesses in crimes of sexual violence.

2) Weaknesses in Law Implementation

Law enforcement as an influence on legal protection for children as witnesses in cases of sexual violence against children are parties involved in the law enforcement process, namely the police, prosecutors, judges, and legal counsel for the accused. The legal protection process is carried out through processes and assessments by law enforcement, the role of law enforcement that should be different from the actual role of law enforcement, so that it can hinder the legal protection process. This form of resistance can be found if the sensitivity and perspective of law enforcement is lacking towards child protection because it requires an emotional approach in handling children. Many courts do not have a special room for examining child witnesses, a child-friendly waiting room, and a children's courtroom. However, in this case, no obstacles were found in the facilities and infrastructure in the child protection process. The Pati District Court has an inadequate child-friendly courtroom. The lack of supporting facilities for child psychological protection, such as a special children's room, is not optimal.

3) Weaknesses in the community's legal culture that hinder legal protection for children in cases of sexual violence can be identified when assisting parents or guardians who are unfamiliar with the applicable laws. This includes a lack of understanding of children's rights as witnesses, a lack of education regarding witness protection mechanisms from the Witness and Victim Protection Agency (LPSK) and how to apply for legal protection or other institutions. Consequently, the community is less able to provide support for legal protection for children as witnesses. Another cultural weakness is the fact that sexual violence is considered taboo, leading to a lack of prompt reporting for legal assistance. This cultural tendency neglects mental health and downplays even minor acts that may constitute sexual violence. A culture that discourages reporting sexual violence and tends to suppress children's voices presents a significant obstacle to law enforcement. Values such as maintaining honor and confidentiality often hinder legal protection for children. Therefore, there is a need for a change in the legal

culture through education that promotes the protection of children's rights and access to justice without discrimination.

Although regulations have provided a strong basis for protection, implementation in the field still faces various obstacles, such as limited child-friendly facilities, a lack of understanding of child psychology among law enforcement officers, and the suboptimal role of the Witness and Victim Protection Agency (LPSK) in reaching remote areas. This situation indicates that legal protection for child witnesses is not yet fully effective and requires strengthening coordination between institutions and increasing the capacity of the human resources involved. In general, it can be concluded that the implementation of legal protection for children as witnesses in sexual violence cases has begun to show progress through concrete efforts in various law enforcement agencies. However, its effectiveness still needs to be improved by strengthening the capacity of officers, adding child-friendly facilities, and improving coordination between the police, prosecutors, courts, and LPSK so that child protection can be implemented comprehensively. Another cultural weakness is the fact that sexual violence is considered taboo to discuss, resulting in a lack of prompt reporting for legal assistance. This cultural tendency neglects mental health and underestimates minor acts that actually constitute sexual violence. A culture that does not support reporting sexual violence and tends to suppress children's voices presents a major obstacle to law enforcement. Values such as maintaining honor and confidentiality often hinder legal protection for children. Therefore, there needs to be a change in legal culture through education that encourages the protection of children's rights and access to justice without discrimination.

3.3. The Effectiveness of Legal Protection for Children as Witnesses in Future Cases of Sexual Violence

Perpetrators of child sexual abuse are those who have a sexual attraction to children and are meticulous in concealing their actions. Perpetrators usually quietly integrate into society, projecting a positive image to gain the trust of those around them. In the Indonesian legal system, victims are often the ones who suffer the consequences. In addition to experiencing material, physical, and psychological losses due to the crimes they face, victims also endure additional suffering because they are often treated merely as a means to achieve legal certainty. For example, victims must recount the crimes they experienced during the examination process (investigation) and in court.¹⁶

The legal system appears to favor victims over suspects, as evidenced by laws and regulations that grant suspects more privileges than victims. Furthermore, a lack of outreach to communities living in remote areas results in a lack of legal

¹⁶Geatriana Dewi. 2019. Legal Protection of the Rights of Child Victims of Violence. *Journal of Social Sciences Education*, Vol. 9, no. 2, p. 141–148. <https://doi.org/10.37630/jpi.v9i2.229c>

understanding and awareness among them. Consequently, when sexual violence occurs in various regions, communities tend to show little concern for the victims. Possible solutions to address the issue of protecting children as witnesses in sexual violence cases in Pati Regency include:

- a. There needs to be clear, specific guidelines for law enforcement officers (judges, prosecutors, lawyers) in handling cases involving children as witnesses, considering that there are no specific rules that have served as guidelines so far.
- b. Develop and use technology that can facilitate the judicial process, such as the use of video or recording, so that children do not need to appear in person in court and feel safe.
- c. Ensure the confidentiality of the identity of child witnesses to protect them from fear and threats.

The effectiveness of legal protection for child witnesses in future cases of sexual violence needs to be directed toward reforming the legal system to be more oriented toward humanity and substantive justice. According to Satjipto Rahardjo, progressive law emphasizes that law is not simply a set of normative and rigid rules, but rather a means to achieve human well-being and justice within society. Therefore, legal protection for child witnesses must be placed within a legal framework that is responsive to children's real needs and not limited to procedural formalities.

In the context of progressive law, law enforcement officials are expected to adhere not only to the text of the law but also to prioritize humanitarian values, empathy, and the best interests of the child. This means that in the examination and trial process, the approach used must take into account the child's psychological condition and the long-term impact on their mental development. Progressive law enforcement requires that the juvenile criminal justice system transform from a retributive system to a more protective and rehabilitative one. Going forward, the effectiveness of legal protection for children as witnesses will depend heavily on the extent to which law enforcement officials, protection institutions, and the community are able to apply progressive legal principles in practice. Improving the quality of human resources within law enforcement who have an understanding of child psychology, providing child-friendly examination facilities, and utilizing technology to reduce child trauma (such as the use of video conferencing in trials) are concrete steps towards progressive and equitable law enforcement.

Furthermore, progressive law also demands the courage to make legal breakthroughs (rule-breaking for justice) when existing normative provisions are no longer able to provide maximum protection for children. In this regard, more specific and integrated regulatory updates between the Child Protection Law, the Witness and Victim Protection Law, and the Juvenile Criminal Justice System Law

are crucial to strengthening the effectiveness of legal protection for child witnesses.

The effectiveness of legal protection for children as witnesses in cases of sexual violence in the future depends heavily on the consistency of the application of laws and regulations, the readiness of law enforcement officers, and the support of a child-oriented justice system. In the context of positive law in Indonesia, legal protection for children acting as witnesses has been regulated in Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, and is strengthened by Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA) and Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS). According to Article 64 paragraph (3) of the Child Protection Law, the state is obliged to provide special protection to children who are victims or witnesses of criminal acts, including by providing legal assistance, social rehabilitation, and guarantees of security from threats from any party. This protection is reinforced by Article 90 of the Child Protection and Child Protection Law, which stipulates that child witnesses or victims must be accompanied by a social worker, legal counsel, and/or parent/guardian throughout the legal process. All regulations will undoubtedly serve as a normative foundation for optimizing the legal protection system, ensuring that in the future, child witnesses can receive guaranteed safety, professional support, and a humane and pressure-free judicial process.

Normatively, the regulation is comprehensive enough to provide a strong legal framework for children as witnesses. However, its future effectiveness will depend largely on implementation and synergy between institutions such as the police, prosecutors, courts, and child protection agencies (LPSK and KPAI). Key challenges still faced include:

- 1) Lack of professional staff (child psychologists and trained legal counselors) in the regions. This limited number of experts means that child support, particularly in cases of violence or legal issues, cannot be carried out optimally. Consequently, children's psychological needs are not properly addressed, and legal proceedings proceed without adequate professional support.
- 2) The lack of child-friendly facilities in the judicial environment (for example, comfortable and non-threatening examination rooms). Many examination rooms still have a formal and tense atmosphere, without designs that take into account children's psychological needs. The lack of comfortable, safe, and non-threatening spaces can increase children's anxiety and impair the quality of their testimony.
- 3) Social stigma and psychological pressure on child witnesses often hinder the testimony process. Children may fear being ostracized, blamed, or perceived as a troublemaker by those around them. This kind of pressure not only impacts the

child's emotional well-being but also impacts their ability to provide honest, clear, and consistent testimony during the legal process.

To increase the effectiveness of protection in the future, it is necessary to strengthen the justice system that is oriented towards child recovery, not only on punishing the perpetrator. The implementation of the principle of the best interests of the child as mandated in Article 3 of the Convention on the Rights of the Child (CRC), which has been ratified by Indonesia through Presidential Decree Number 36 of 1990, must be the main basis for every policy and legal action against child witnesses. Thus, the effectiveness of legal protection for children as witnesses in the future will be increasingly optimal if existing regulations are enforced consistently, law enforcement officers are provided with ongoing training related to the child-perspective approach and the State strengthens integrated services based on psychological and social recovery for child witnesses of sexual violence.

4. Conclusion

The protection of children as witnesses in sexual violence cases in Pati Regency has been regulated both within the mandate dimension regarding the nation's and state's obligation to protect children as witnesses in sexual violence cases and the mechanisms for protecting children as witnesses in sexual violence cases. However, according to a statement from the Director of the Pati National Advocacy Legal Aid Institute, Maskuri Alfaty, who stated that there are still 20 child victims and witnesses in sexual violence cases who are victims of threats during the legal process in Pati Regency. Weaknesses in protecting children as witnesses in cases of sexual violence in Pati Regency include weaknesses in the drafting of Law Number 31 of 2014 concerning the Protection of Witnesses and Victims, which does not automatically provide action in cases of legal violations against children as witnesses without a complaint. Weaknesses in law enforcement include a lack of sensitivity and perspective from law enforcement officers regarding child protection, as an emotional approach is required when handling children. The Pati District Court has an inadequate child-friendly judicial space. The lack of supporting facilities for children's psychological protection, such as special rooms for children, is not optimal. Weaknesses in the community's legal culture as an obstacle to legal protection for children in cases of sexual violence against children can be found when assisting parents or guardians who are unfamiliar with the applicable legal explanation, such as a lack of understanding of children's rights as witnesses, a lack of education regarding the witness protection mechanism from the LPSK (Lembaga Penitentiary Agency) and how to apply for legal protection or other institutions. Consequently, the community is less able to provide support for legal protection for children as witnesses. A possible solution is the need for clear, specific guidelines for law enforcement officers (judges, prosecutors, lawyers) in handling cases involving children as

witnesses, considering that there are no specific regulations that serve as guidelines so far. Develop and use technology to facilitate the judicial process, such as the use of video or recordings, so that children do not need to appear in person in court and feel safe. Ensure the confidentiality of child witnesses' identities to protect them from fear and threats. The effectiveness of legal protection for children as witnesses in future cases of sexual violence needs to be directed toward reforming the legal system to be more oriented toward humanity and substantive justice. This is in line with the view that in progressive law, law enforcement officials are expected not only to adhere to the text of the law but also to prioritize humanitarian values, empathy, and the best interests of the child.

5. References

Journals:

Erwin Asmadi, "Perlindungan Hukum Bagi Anak Sebagai Saksi dalam Pemeriksaan Perkara Pidana", IURIS STUDIA: Jurnal Kajian Hukum, Volume 1, Nomor 2, 2020.

Geatiana Dewi. 2019. Perlindungan Hukum Terhadap Hak Anak Korban Kekerasan. Jurnal Pendidikan Ips, Vol. 9, No. 2, hlm. 141–148. <https://doi.org/10.37630/jpi.v9i2.229c>

Irwansyah, Penelitian Hukum, Mirra Buana Media, Yogyakarta. 2022.

Lina Panggabean, Triono Eddy, Alpi Sahari, "Perlindungan Hukum Terhadap Anak Sebagai Korban Kekerasan Seksual (Analisis Undang-Undang Perlindungan Saksi Dan Korban)", IURIS STUDIA: Jurnal Kajian Hukum, 2024.

Kartini Kartono, Patologi Sosial 2 Kenakalan Remaja, Rajawali Pers, Jakarta, 1992.

Rena Yulia, Viktimologi: Perlindungan Hukum Terhadap Korban Kejahatan, Yogyakarta: Graha Ilmu, 2013.

Sri Endah Wahyuningsih, "Perlindungan Hukum terhadap Anak Sebagai Korban Tindak Pidana Kesusilaan Dalam Hukum Pidana Positif Saat Ini", Jurnal Pembaharuan Hukum, Volume III, No. 2, 2016.

Salsa Fadhila Putri Setyoadi, Heni Siswanto, Dona Raisa Monica, Diah Gustiniati, Refi Meidiantama, "Perlindungan Hukum Terhadap Anak Saksi Dalam Tindak Pidana Kekerasan Seksual Kepada Anak (Studi Putusan Nomor 18/ PID. SUS/ 2024/ PN.MET)", Jurnal Hukum dan Kewarganegaraan, Vol 15, No 4, 2025.

Wiwik Afifah, "Perlindungan Hukum Terhadap Anak Sebagai Saksi dalam Sistem Peradilan Pidana Anak" DIH Jurnal Ilmu Hukum, Vol. 10, No. 20, 2014.

Interview:

Interview with Maskuri Alfaty as Director of the National Advocacy LBH Pati on June 20, 2025.

Interview with Heri Dwi Utomo as Head of Criminal Investigation Unit of Pati Police, September 12, 2025.

Internet:

<https://www.hukumonline.com/berita/a/mengenal-anakyang-berhadapan-dengan-hukum-lt64081e7f1eea9/> , Accessed on 29 May 2025.