



LEGAL PROTECTION FOR VICTIMS OF SEXUAL VIOLENCE AGAINST MINORS (ANALYSIS OF DECISION NUMBER 221/Pid.Sus/2024/PN MEDAN)

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Article Info	Abstract
Article History Received: 2024-12-03 Revised: 2024-12-10 Published: 2025-02-15 Keywords: <i>Legal protection, Criminal acts, Sexual violence, Minors</i>	This research discusses the legal protection of child victims of sexual violence based on the analysis of Decision Number 221/Pid.Sus/2024/PN Medan. In the Indonesian legal system, child protection is regulated in various laws, such as Law No. 35 of 2014, Law no. 17 of 2016, and Law on the Crime of Sexual Violence No. 12 of 2022. This study employs a normative legal research method with a case and legislative approach. The results indicate that legal protection for child victims includes preventive, repressive, and rehabilitative aspects. Although regulations are adequate, implementation in the field still faces obstacles such as the victims' fear of reporting and the limitations of law enforcement officers. In the analyzed case, the defendant was sentenced to 13 years in prison and a fine of Rp. 60 million, reflecting serious efforts in law enforcement. This study emphasizes the importance of synergy among the state, family, and community to create effective protection for children.

I. INTRODUCTION

Children are the result of marriage and have rights that must be protected by parents and the state. Protection of children is important because they are national assets. One serious threat to children is sexual violence, which is legally and socially viewed as a serious violation of human rights. Some of the main reasons why many cases of violence against women are not fully protected by the legal system are because (1) High Number of Violence against Women, according to data from the National Commission on Violence Against Women, the number of cases of violence against women continues to increase every year. In the year there were more than 300,000 cases of gender-based violence reported.

In the Indonesian legal system, child protection is regulated in various regulations, such as Law Number 35 of 2014 concerning Child Protection, and Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (TPKS). The state, based on the principle of *parens patriae*, is responsible for protecting children as parents protect their children.

Cases of sexual violence against children are still high, especially in Medan City. Data from Simfoni PPA shows that in January–June 2024

there were 7,842 cases of violence against children, with sexual violence being the most common case. Children often do not dare to report because of fear and social pressure.

Law enforcement through the courts has shown positive steps, such as in the Medan District Court's decision to convict perpetrators of sexual violence against children. However, challenges remain, such as obstacles in the legal process and lack of environmental support. This study focuses on the effectiveness of the implementation of child protection laws and the importance of the role of families and communities in preventing sexual violence. It also emphasizes the need for practical solutions in various community contexts and efforts to improve the legal system so that children's rights are truly protected.

The Medan District Court's decision is a crucial factor in legal action against child sex practices. The panel of judges stated clearly and concisely that committing a criminal act, committing sexual violence or threats of violence, and allowing children to have intercourse as described and shown in paragraph 76D Referring to Article 81 paragraph (1) of Law of the Republic of Indonesia No. 17 of 2016 concerning

amendments to the Constitution of the Republic of Indonesia No. 01 of Law of the Republic of Indonesia No. 01 of 2016 concerning amendments to Law No. 23 of 2002 concerning child protection, which states that Abdul Rahman Lubis has paid a prison sentence of 13 years and a fine of Rp. 60,000,000,000.00 with the provision that if the fine is not paid, it will be replaced with a prison sentence of 6 months.

Therefore, this study focuses on studying the effectiveness of the implementation of existing laws and policies and emphasizes the importance of support from families and the environment in preventing sexual violence and exploring how this support can be optimized and implemented practically in different community contexts and analyzing in depth the specific factors that hinder the legal process and how solutions can be implemented entitled "Legal Protection for Victims of Sexual Violence Against Minors"

II. RESEARCH METHODS

This type of study applies the normative legal method. Normative law is a form of research that examines written references or secondary data. The researcher chose this method to analyze the application of criminal law rules in the criminal justice system. concrete cases through court decisions, especially related to criminal acts of sexual violence against children. In legal research there are several approaches, namely the case approach and the statutory approach. This approach is carried out by examining Decision Number 221 / Pid.Sus / 2024 / PN Mdn to understand the application of legal norms in court practice. While the statutory approach is to analyze various regulations related to cases of criminal acts of sexual violence against children. In this study, data analysis was carried out qualitatively with a descriptive analysis method. The data collected will be analyzed through the following stages;

- a. Identifying legal facts and irrelevant matters.
- b. Collecting relevant legal materials.
- c. Examining legal issues based on the materials that have been collected.
- d. Drawing conclusions in the form of legal arguments. Providing prescriptions based on the arguments that have been constructed.

III. RESULTS AND DISCUSSION

The crime of sexual harassment includes all unlawful acts in accordance with the elements of sexual violence in Law Number 35 of 2014, which regulates various types of sexual crimes. It is unfortunate that these sexual crimes often involve children as victims, even though children are the next generation of a nation. When a child becomes a victim of sexual harassment, they have the potential to experience mental disorders that can cause prolonged trauma. With the regulation of legal protection and guarantee of rights in Law Number 35 of 2014, it is hoped that the rights of victims can be fulfilled after they experience something disappointing as victims.

A. How is the legal protection against criminal acts of sexual violence against minors?

Legal protection for children who are victims of sexual violence is a form of state responsibility in ensuring the fulfillment of children's rights as part of human rights. Children as individuals who are not yet fully legally competent require special protection both from a normative and implementative perspective. In the context of Indonesian law, this protection is provided comprehensively through several legal instruments, including Law Number 35 of 2014 concerning Child Protection, Law Number 17 of 2016 concerning amendments to Law Number 23 of 2002, and Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS). The regulation emphasizes that sexual violence against children is a serious crime that not only attacks the physical and psychological well-being of the victim, but also threatens the child's future and survival. Therefore, laws and regulations in Indonesia provide a firm legal space to punish perpetrators and protect, assist, and restore the condition of victims.

This legal protection covers three main aspects: preventive, repressive, and rehabilitative. Preventive protection is carried out through educational policies, legal counseling, and increased supervision of the child's social environment to prevent sexual violence. Meanwhile, repressive protection is realized through the criminal justice process that strictly enforces the law against the perpetrators. In this case, law enforcement officers have the authority to process reports of sexual violence, conduct investigations, and charge the perpetrators with

relevant articles, such as Article 76D in conjunction with Article 81 of the Child Protection Law, which imposes a heavy prison sentence on perpetrators of sexual violence against children. Rehabilitative protection includes providing psychological, medical, and social assistance to victims to restore their condition completely, including legal assistance and social reintegration so that children can return to living a normal life.

However, in practice, the implementation of this legal protection still faces various challenges. Child victims of sexual violence often experience obstacles in reporting, such as fear, family pressure, or social stigma that hinders the legal process. In addition, not all law enforcement and child protection agencies have sufficient resources and training to handle sexual violence cases professionally and sensitively to the victim's trauma. Therefore, although legal protection is normatively well available, its effectiveness is highly dependent on the synergy between law enforcement officers, social institutions, families, and the wider community. The state must continue to strengthen the legal protection system by increasing victims' access to justice, accelerating assistance services, and tightening penalties for perpetrators in order to provide a deterrent effect and prevent similar crimes from recurring.

B. Judge's considerations in decision Number 221/Pid.Sus/2024/PN Mdn regarding the crime of sexual violence against minors

The case in decision Number 221/Pid.Sus/2024/PN Mdn began in 2015 when the defendant Abdul Rahman Lubis, a widower, married the witness Sutrisni, the victim's mother, living together on Jalan Perungu Gg. Mawar Link VI Kel. Kota Bangun Kec. Medan Deli, Medan City with the witness, around 2017 in a room of the victim's child at 22.00 WIB at that time the victim's child asked the defendant for a massage and then sexual relations occurred between the victim and the defendant.

The judge's considerations in this case were based on valid evidence according to criminal procedure law, namely witness statements, victim statements, visum et repertum results, and the defendant's confession. Based on the facts revealed in the trial, the defendant Abdul Rahman Lubis was proven legally and convincingly to have committed sexual violence against a minor by forcing and threatening the victim to have sexual relations with him.

Given that the defendant has been legally proven and found guilty and sentenced, then according to Article 222 paragraph (1) of the Criminal Procedure Code, he must also bear the costs in this case. The judge decided that the defendant had been legally and convincingly proven guilty of the criminal act of committing violence or threatening violence to force a child to have sexual relations with him or another person listed in the first indictment, sentencing the defendant to 13 years in prison and a fine of Rp. 60,000,000.00 with the provision that if the fine is not paid, it will be replaced with a prison sentence of 6 months. It was decided that the detention period that had been served by the defendant would be reduced from the total sentence imposed. It was also decided that the defendant would remain in detention. It was determined that the evidence was: 1 dark pink short-sleeved shirt with the words Nice To Meet You on the front and a picture of a bear on the back, 1 pair of dark pink trousers, 1 maroon BG with a polka dot pattern, and 1 pair of dark pink underwear. It will be returned to the victim's child and the Defendant is required to pay court costs of Rp. 2,000.00.

IV. CONCLUSIONS AND RECOMMENDATIONS

Legal protection for children as victims of sexual violence has been comprehensively regulated in various laws and regulations in Indonesia, such as Law Number 35 of 2014 concerning Child Protection, Law Number 17 of 2016, and Law Number 12 of 2022 concerning Sexual Violence. These provisions include preventive, repressive, and rehabilitative protection to guarantee the rights and recovery of child victims. In the analysis of Decision Number 221/Pid.Sus/2024/PN Mdn, the panel of judges sentenced the perpetrator to 13 years in prison and a fine of IDR 60,000,000, indicating strict application of the law against perpetrators of sexual violence against children. However, in practice, this protection still faces obstacles, such as the victim's fear of reporting, pressure from family or the environment, and the lack of understanding of law enforcement officers regarding the victim-centered approach.

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