

## **Legal Implications for Legal Protection for Children as Victims of Criminal Acts of Sexual Violence in Households (Domestic Violence)**

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### **Abstract**

Cases of criminal acts of decency experienced by children, from time to time is increasing. In Indonesia in handling rape cases or immoral acts, victims are often placed as evidence, not as seekers of justice. This raises classic problems including philosophical problems, the legal protection it imposes as a current arrangement against children as victims of domestic violence has not been effective, Theoretical Prolegatics, the system adopted by the Criminal Procedure Code (KUHP) is retributive justice, which is a policy where the point of protection is the offender oriented rather than restorative justice which focuses on the protection policy for victims of crime and juridical problematics, policies whose point of protection is the offender oriented (offender oriented) . The purpose of this study is to find out what the legal implications of legal protection for children as victims of rape in the household. This research is a normative juridical research, then the approach used is the statutory approach, concept approach, historical approach, case approach, and philosophical approach. Legal material analysis techniques are carried out in perspective. The results showed that the legal implications of children as victims of rape in the household only accommodate acts of forced sexual intercourse in the form of penis penetration into the vagina and with evidence of physical violence due to the penetration. As a result, children cannot demand justice by using a law that has a narrow definition of the crime of rape and the experience of women victims shows that sexual violence is not merely rape or fornication, but also includes other types such as sexual harassment, coercion of marriage, sexual exploitation, coercion sterilization, sexual torture, and sexual slavery.

**Keywords:** Rape, Legal Implications, Child Victims, Domestic Violence.

### **Introduction**

Tujuan mendirikan negara Indonesia adalah memberikan perlindungan dalam bentuk penjaminan hak melalui penegakan hukum yang berkeadilan (Sudarto, 1986). Hukum pidana merupakan reaksi atas perbuatan yang dapat menyebabkan rusaknya tatanan masyarakat, pelanggaran hak atas individu, atau perbuatan melawan hukum itu sendiri. Oleh sebab itu, kini banyak pemikiran yang

menginginkan bahwa cakupan hukum pidanaaan juga perlu memberikan perlindungan hukum pada korban kejahatan (Theodora, 1995).

The low position of the victim in handling criminal cases was stated by Prassel in Mansur and Gultom (2008): Victim was forgotten figure in the study of crime. Victims of attitude, robbery, theft and other offenses were ignored while police, court and academicians were concentrated on known violators. In cases of rape or immoral acts, victims are often placed as evidence, not as seekers of justice. Victims in addition to physical suffering also suffer tremendous mental suffering from rape, feel lost in the future, even distance or distance themselves from their social environment. While the victim or his family actually still have to bear treatment in the hospital due to physical pain coupled with experiencing psychological disorders.

Cases of criminal acts of decency experienced by children, from time to time is increasing. This is very alarming. Based on data handled by the Indonesian Child Protection Commission and the National Women's Commission on Information and Complaints in 2018, there were 2,227 cases (CATAHU, 2018). It is the duty of the state to be able to provide a maximum sense of justice to protect and provide rights for children as victims of criminal acts of decency. Children need to get a protection that has been contained in a statutory regulation.

Protection of children now has a legal framework with the issuance of Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection. The Child Protection Act is a tool in implementing the Convention on the Rights of the Child (CRC) in Indonesia. The law was based on four principles of the Convention on the Rights of the Child: non-discrimination, the best interests of children, the right to life, survival and development and the right to participate. In it regulates the basic rights of children to obtain identity, freedom, education, health services, entertainment and protection (Sidabalok, 2012).

Although there is Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection, but its implementation has not proceeded as expected. This happens because of many factors, one of which is the absence of a clear model agreed by the parties concerned to deal with this problem. In its development to provide protection for children, both children as victims and children as witnesses, new laws have been formed as regulated in Article 90 paragraph (1) of the Republic of Indonesia Law No. 11 of 2012 concerning the Criminal Justice System for Children, explaining that child victims and Child witnesses are entitled to medical rehabilitation and social rehabilitation efforts, both inside and outside the institution, but the Law of the Republic of Indonesia Number 11 Year 2012 concerning the Criminal Justice System for Children until now has not been effectively applied.

According to the 2017 National Commission Against Violence Against Women (Komnas Perempuan) report, cases of female violence in Indonesia are dominated by rape cases, which are 400,939 and the highest number, namely 70,115 rape cases, were actually carried out in households. Perpetrators of rape are carried out by husbands, parents themselves, even relatives and closest relatives. While the number of rape cases in public places was 22,285 cases. According to Women's Journal Clippings, in Gresik (East Java) reported by Tribunnews.com on Tuesday, November 1, 2017 there have been 21 cases of rape in the January-October 2017 period. This means that on

average every month there have been 2 cases of rape. This figure is classified as high compared to other cases affecting children and women (Anonymous, 2017).

Child protection according to Article 1 number 2 of the Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to the Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection are all activities to guarantee and protect children and their rights so that they can live, grow, develop, and participate optimally in accordance with human dignity and dignity, and get protection from violence and discrimination. Every child in his life has the right to get legal protection from various threats that can befall him (Nashriana, 2011). Legal protection is a protection given to legal subjects in the form of legal instruments both preventive and repressive, both written and unwritten (Koesparmono, 2007).

The criminal act of decency committed by the biological father against his own child reflects that a father's lack of awareness in treating his child. Parents should protect their children from all crimes, but in reality they commit these crimes against their children. The need for legal protection for child victims of decency is very important, because victims are still children who are still legally protected by the government and society, so it is the duty of law enforcement agencies and the government to provide protection services for children as victims of crime. The role of families in looking after their children also needs to be improved, it is because of the many children who are victims of the actions of their own closest people.

Children need legal protection that is different from adults. The physical and mental children of the under-mature and mature children that underlie the need for different treatment of children. Children need to get a protection that has been contained in a statutory regulation. Provision of protection for child victims of sexual crimes, especially in the form of fulfillment of compensation, either through compensation and/or restitution. Should get the attention of policy makers.

Whereas the obligations and responsibilities of the State and the government towards the implementation of child protection are regulated in Article 21 through Article 24 of the Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to the Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection. The form of protection provided by the Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to the Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection, based on Article 17 paragraph (2) and Article 18 only in the form of the child's confidentiality, legal assistance and assistance others, that the meaning of confidentiality is no further explanation. In a general explanation of the Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to the Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection, among others, it is stated that although the Law of the Republic of Indonesia Number 39 of 1999 concerning Human Rights has stated about children's rights, the implementation of the obligations and responsibilities of parents, family, community, government and the State, to provide protection to children still need a law regarding child protection as a juridical basis for the implementation of these obligations and responsibilities. Thus, the formation of the law was based on the consideration that child protection in all its aspects.

At the structural level, law enforcement agencies have begun to create special units

and procedures to handle cases of violence against women, including forms of sexual violence that are regulated in the law, such as rape and domestic violence. These units and procedures are not yet available at all levels of law enforcement and are not yet supported with adequate facilities and perspectives on victim handling. This is caused by the way of thinking and behavior, as well as the ways of decision makers at various levels of law enforcement agencies and governments who do not understand violence against women. This shows that the state is still not optimally carrying out its obligations to protect women victims. At the level of culture or legal culture, there are still law enforcement officials who adopt the community's perspective on morality and sexual violence. As a result, the attitude towards the case does not show empathy for women victims, and even tends to blame the victims.

Based on the background description of the problem above, this research was conducted to find out what the legal implications of legal protection for children as victims of rape in the household.

### **Research methods**

This type of research is normative or doctrinal legal research. Doctrinal research is research that provides a systematic explanation between regulations explaining areas of difficulty and possibly predicting future development (Marzuki, 2011). Normative or doctrinal legal research is also referred to as library research or document study because this research is conducted or is aimed only at written regulations or other legal materials (Soekanto and Mamudji, 2004). This study uses several approaches to obtain comprehensive research results, including the regulatory approach, the concept approach, the historical approach, the case approach, and the philosophical approach. In other words, in this study the researcher will see the law as a closed system that has the characteristics of comprehensive, all-inclusive and systematic (Ibrahim, 2006).

This study uses primary legal materials (consisting of laws and court decisions), secondary legal materials (consisting of books in the field of law, research results, seminar papers, scientific works, articles and the results of other people's opinions related to the object research), and tertiary legal materials (consisting of the Big Indonesian Dictionary (KBBI), legal dictionaries, etc.). The technique of searching primary and secondary legal materials is done by studying literature and internet searching (Rahardjo, 2000). The analysis technique in this research is carried out using the deduction method, which is Inventory and identification of laws and regulations, then an analysis of the case is carried out by interpreting the law, then conclusions can be drawn from the results of the analysis (Abdlatif and Ali, 2010).

### **Results and Discussion**

#### **Rape of Children in Victimology Perspective**

The crime of rape is a form of violence against women which is an example of the vulnerability of women's positions, primarily to the sexual interests of men. The sexual image of a woman who has been placed as a sexual object for men, has far-

reaching implications on a woman's life, so she is forced to always face violence, coercion and physical and psychological torture (Arif, 2002). Attention and protection to the interests of victims of rape both through the criminal justice process and through certain social care facilities is an absolute part that needs to be considered in criminal law policies and social policies, both by the executive, legislative and judicial institutions as well as by social institutions based on the aim to achieve equitable distribution of justice and general welfare, the rights of victims of rape to be protected are basically an integral part of human rights in the field of social security.

Rape crimes can be classified as violent crime, because these crimes are usually accompanied by violence/threats of violence (Kusuma, 1982). Violence against women prevents or negates the possibility of women to enjoy their human rights and freedoms. In rape, the victims who suffer the most. Victims of crime are defined as persons who individually or jointly suffer losses, including physical or mental losses, emotional suffering, economic loss or substantial impairment of their basic rights, through actions or negligence that constitute violations of applicable law in the country member states include laws that prohibit the abuse of criminal power (Sadli, 2001).

Efforts that can be made to provide legal protection for child victims of rape are:

- a. Rehabilitation efforts, both within the institution and outside the institution;
- b. efforts to protect from preaching identity through mass media and to avoid labeling;
- c. providing safety guarantees for victim witnesses and expert witnesses, whether physical, mental, or social; and
- d. providing accessibility to obtain information regarding case developments.

With reference to the application of the protection of the rights of victims of crime as a result of violations of the relevant human rights, the basic principles of the protection of victims of crime can be seen from three theories, namely:

1. Utility theory, this theory emphasizes the greatest benefit for the largest number. The concept of providing protection to victims of crime can be applied as long as it provides greater benefits compared to not implementing the concept, not only for victims of crime, but also for the overall criminal law enforcement system.
2. The theory of responsibility, this theory, that essentially a legal subject (person or group) is responsible for all legal actions that he does, so that if someone commits a crime that results in someone else suffering losses (in a broad sense), that person must be responsible for the losses incurred, unless there is a reason that frees it (Arief, 2008).
3. Compensation theory. As an embodiment of responsibility due to their mistakes towards others, the perpetrators of criminal offenses are burdened with the obligation to provide compensation to the victims or their heirs. It is clear, that the imposition of criminal sanctions qisas is protection for victims of criminal acts of persecution or murder as well as the public (Gosita, 1993).

### **Compensation and Restitution as Efforts to Protect Human Rights**

Human rights with the rule of law are two things that cannot be separated. The nature of human rights is different from basic rights. The differences between the two according to Aswanto (2012) are as follows:

1. Basic Rights, taken from the Grondrechten translation, are the rights that a person obtains, for being a citizen of a country. The basis of basic rights comes from the state, is domestic and not universal.
2. Human rights, derived from the Mensen Rechten translation, are rights obtained by a person because he is human and is universal. Whereas in Indonesia the basic rights and human rights are not differentiated and are called human rights.

In relation to restitution and compensation, a number of principles in Articles 8 to 13 are set forth, as follows:

- a. Violators must provide restitution to victims (Article 8);
- b. States must review legislation to consider restitution as a punishment option available in criminal cases in addition to other criminal sanctions (Article 9).
- c. In the event that compensation cannot be obtained from other actors or sources, the state is recommended to provide such compensation (Article 12).
- d. The establishment of special funds for this purpose is recommended (Article 13).  
Based on the above international instruments, international recognition of the importance of protecting the rights of victims of crime in fulfilling compensation is guaranteed and the state is explicitly encouraged to share responsibility for providing guarantees in the form of regulations and participating in obligations to provide compensation if it is not obtained from the perpetrator.

In the Republic of Indonesia Government Regulation Number 3 of 2002 concerning Compensation, Restitution and Rehabilitation of Victims of Serious Human Rights Violations In Article 1 paragraph 4 it is formulated that: its responsibilities. In the Republic of Indonesia Government Regulation Number 44 of 2008 concerning the Provision of Compensation, Restitution and Assistance to Witnesses and Victims explained in Article 1 number 4 that: Compensation is compensation given by the state because the perpetrators are unable to provide full compensation which is borne by them. Different interpretations of compensation can be seen in the meaning of restitution outlined in several laws and regulations. In the Elucidation of Article 35 of Law Number 26 Year 2000 concerning the Human Rights Court it is stated that: Referred to as restitution is a loss granted to the victim or his family by the perpetrator or a third party.

Restitution in the form:

- a. Return of property
- b. Payment of compensation for loss or suffering
- c. Reimbursement for certain actions.

Republic of Indonesia Government Regulation Number 3 of 2002 concerning Compensation, Restitution and Rehabilitation of Victims of Severe Human Rights Violations affirmed that: Restitution is compensation given to victims or their families by perpetrators or third parties, which can be in the form of return of property, compensation payments for loss or suffering or reimbursement for certain actions (Article 1 point 5). Furthermore, Government Regulation No. 44/2008 concerning Provision of Compensation, Restitution and Assistance to Witnesses and Victims is formulated as follows: Restitution is compensation given to victims or their families by perpetrators or third parties, which can be in the form of return of property, payment of compensation for lost or suffering, or reimbursement of costs for certain

actions (Article 1 number 5); At present the politics of criminal law has not provided full guarantees for victims of crime. Only victims of certain crimes that are classified as extraordinary are of concern and a priority scale.

Restitution guarantees for victims of crime through a request to merge compensation suit cases (Article 98 of the Criminal Procedure Code) and applications to the LPSK (PP No. 44 of 2008) do not appear to be without obstacles, so that adequate criminal law efforts or policies are needed so that protection of victims of crime in obtaining compensation losses can be obtained quickly, effectively and provide a sense of justice. Criminal law is intended to uphold the rule of law and protect the public.<sup>149</sup> The state as the highest authority holder is responsible for protecting the security of its citizens from crime as mandated in the 1945 Constitution of the Republic of Indonesia.

Reality shows the state as controlling the crime prevention policy that fails to protect its citizens from crime does not show any responsibility for losses suffered by victims of crime. The response system to the suffering of victims of crime is only used as an instrument of punishment against the defendant, while the substance of the punishment is not directly related to the impact of the crime or touches the interests of the crime victims, ultimately recovery due to crime becomes the burden and responsibility of the crime victims themselves if it is not obtained from the perpetrators of crimes, including efforts to he can return and be integrated in normal community life (reintegration).

The aspect of victimimology in national law can be seen mainly in the Criminal Procedure Code (KUHAP), in addition to the establishment of the Court of Human Rights (HAM), which was implemented effectively in 2002, based on Law No. 26 of 2000. Furthermore, the implementation of the law on human rights is contained in Government Regulation Number 3 of 2000 concerning Compensation, Restitution and Rehabilitation of Victims of Serious Human Rights Violations. As contained in Article 1 point 3 which reads as follows: "Victim is an individual or group of people who have suffered, physically, mentally or emotionally, economic loss, or experienced neglect, reduction or deprivation of their basic rights as a result of violations of human rights heavy humans, including victims, are their heirs.

In Article 99 of the Criminal Procedure Code, it is formulated about the losses incurred by a criminal act that can be prosecuted through criminal procedures, that is, only losses suffered by victims of a civil nature in the form of costs or costs incurred by the victim, while other losses must be submitted through ordinary civil lawsuits. This is actually not worth comparing with the suffering of the victim. Other material losses that are not costs incurred for recovery and immaterial losses that are even more severe for the victim cannot be compensated for through criminal procedures.

#### **Government Policy in Legal Protection of Children Victims of Domestic Violence**

According to C. De Rover states the enforcement of crime is a fundamental goal of law enforcement and is a field of activity with specific values for the rights of children (including women). But the way of thinking of people who consider domestic violence is not a crime that violates the rule of law but rather a family problem or a woman's problem alone makes this trivial in the eyes of law enforcement (Rover, 2000).

The anticipatory solution step so that children do not become victims is to first

consider this problem to be a criminal offense and a serious crime, of course if it is already in the mindset of the community it will immediately form behavior to protect women and children. In relation to violence against children, laws and regulations governing violence against children, there is Law Number 23 of 2002 as amended by Law Number 35 of 2014 concerning child protection and Law Number 22 of 2004 concerning the prevention of Violence In the Household and in the Criminal Code (KUHP).

The law regulates the legal consequences in which the parties involved in violence against children are also threatened with crime. The provisions of Article 80 of Law Number 23 of 2002 as amended by Law Number 35 of 2014 concerning child protection also specifically regulates the abuse of children by stating:

1. Every person who violates the provisions as referred to in Article 76 C, shall be sentenced to a maximum imprisonment of 3 (three) years for 6 (six) months and/or a maximum fine of Rp. 72,000,000.00 (seventy-two million rupiah)
2. In the case of a child as referred to in paragraph (1) seriously injured, the perpetrator shall be sentenced to a maximum imprisonment of 5 (five) years and/or a maximum fine of Rp 100,000,000.00 (one hundred million rupiah)
3. In the case of a child as referred to in paragraph 2 (two) dead, the offender is sentenced to a maximum of 15 (ten) years in prison and/or a fine of Rp. 3,000,000,000.00 (three billion rupiah).
4. Criminal plus one third of the provisions referred to in paragraph (1), paragraph (2), and paragraph (3) if the parent of the persecution is his parent.

Therefore, the perpetrators of violence against children may be subject to criminal sanctions based on Article 80 of Law Number 23 of 2002 as amended by Law Number 35 of 2014 concerning child protection (UUPA), and in paragraph 4 it is emphasized if the parents who do it are children. the law is even more severe, adding a third of the provisions of paragraphs (1), (2), (3). Article 76A of Law Number 23 Year 2002 as amended by Law Number 35 of 2014 concerning child protection states that everyone is prohibited:

- d. Treat children in a discriminatory manner which results in the child experiencing losses, both materially and morally, which hinders his social functioning; or
- e. Treat children with disabilities in a discriminatory manner.

Every person who violates the provisions as referred to in article 76A shall be sentenced to a maximum imprisonment of 5 (five) years and/or a maximum fine of Rp 100,000,000.00 (one hundred million rupiah). Article 78 of Law Number 2014 states that everyone who knows and deliberately leaves a child in an emergency situation as referred to in Article 60, children who are dealing with the law, children from minority and isolated groups, children who are exploited economically and/or sexually, trafficked children, children who are victims of narcotics, alcohol, psychotropic, and other addictive substances (narcotics), abducted children, child victims of trafficking, or child victims of violence as referred to in Article 59, even though the child needs help and must be helped, be sentenced to a maximum imprisonment of 5 (five) years and/or a maximum fine of Rp. 1,000,000.00 (one hundred million rupiah).

Article 81 of Law Number 35 Year 2014 outlines:

- i. everyone who violates the provisions referred to in article 76D shall be sentenced

to a maximum imprisonment of 5 (five) years and a maximum of 15 (fifteen) years and a maximum fine of Rp.5,000,000,000.00 (five billion rupiah).

- ii. Criminal provisions referred to in paragraph (1) shall also apply to anyone who intentionally commits deception, a series of lies, or entices a child to have intercourse with him or with another person. It is explained that if the criminal acts referred to in paragraph 1 were committed by parents, guardians, child caregivers, educators, or education staff, then the criminal is added 1/3 (one third) of the criminal threats as referred to in paragraph (1).

Besides the Act on the Protection of Children, perpetrators can also be charged with Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT Law), because the act is included in the category of domestic violence (domestic violence).

### **Institutionalization of New Values for the Protection of Children in the Family**

Interpretation of domestic violence as an act that violates state law, religious and cultural law of society, because it destroys the purpose of marriage by violating human rights given by God, which should be respected and should not be intervened. With this understanding, the position of the wife as a housewife under her husband as the head of the household must be interpreted not as a form of inequality between men and women in the family.

Whereas the resolution of household problems through senior families, can be an alternative form of fair resolution and that can maintain the family's disgrace. Meaning as already described is the new values that must be instilled in the community, therefore it must be institutionalized in order to form a new awareness in society, and then be able to change people's behavior.

Local government has quite different terms, the term government is separated from the term regional containing understanding which includes both deconcentration and decentralization. As long as the area becomes the central region, the center becomes the center of the region, the principle of deconcentration cannot be eliminated in the region, because ultimately the safety of the entire homeland is in the hands of the central government, the desire to strengthen the position of the center is increasingly visible (Hasrul, 2017).

The formulation policy by making new rules/criminalization on elements of trafficking in persons, shows the existence of detailed regulation of prohibited acts. While the consequences which are an absolute requirement of the TPPO are the modes in the TPPO are also described more clearly, from the crime of trafficking in persons. The results of criminalization in Law Number 21 Year 2007 concerning Eradication of Trafficking in Persons, can be seen from the expansion of the subject of trafficking.

Law Number 21 of 2007 concerning Eradication of Trafficking in Persons which constitutes the government's effort to provide legal protection, both directly and indirectly to potential victims and/or victims, also relates to Law Number 13 of 2006 concerning Protection of Witnesses and victim. Therefore, to prevent and enforce the law whose purpose is to protect human rights can be done by starting with identifying the cause of the TPPO. Law Number 13 of 2006 is a positive step in the effort to protect

witnesses and victims, which has so far been regulated sectorally. Law Number 21 Year 2007 is a progress towards the protection of victims, in accordance with the mandate of the opening of the 1945 Constitution of the Republic of Indonesia, namely protecting all the people of Indonesia and all of Indonesia's blood spills.

Child protection is any effort made to create conditions so that every child can carry out their rights and obligations, for the child's proper development and growth both physically, mentally, and socially. Child protection activities bring legal consequences, both in relation to written and unwritten laws. The law is a guarantee for child protection activities. As one of the elements that must exist in the rule of law and democracy, protection of human rights includes the protection of children that we hope to determine the future of the Indonesian nation and as the next generation must obtain clear arrangements. Child protection aims to ensure the fulfillment of children's rights so that they can live, grow, develop, and participate optimally in accordance with human dignity and dignity, and receive protection from violence and discrimination, for the realization of quality, noble, and prosperous Indonesian children. In line with these objectives, the nature of Indonesian child protection is the protection of sustainability, and this must also be realized by every element of government, including local governments. Those who will later take over the role and struggle to realize the ideals and goals of the Indonesian nation.

In accordance with the Convention on the Rights of the Child, there are five clusters of child rights which are spelled out in indicators and measures of Child-Friendly Cities (KLA), namely: 1) Civil Rights and Freedoms; 2) Family Environment and Alternative Care; 3) Disability, Basic Health and Well-being; 4) Education, Utilization of Leisure Time and Cultural Activities; 5) Special Protection. The strategies to realize the KLA include: 1) Mainstreaming the fulfillment of children's rights (PUHA); 2) Institutional strengthening; 3) Expansion of reach; 4) Building a network; 5) Institutionalization and acculturation of the KLA; 6) Promotion, Communication, Information and Education (PKIE); 7) Certification and Appreciation. In the Advocacy Material issued by the Ministry of PPPA in 2016, there were 3 Regencies/Cities that were awarded the KLA Nindya level, 24 Regencies/Cities were awarded the KLA Madya level, and 50 Regencies/Cities were awarded the KLA Pratama level (herawati, 2017).

In addition, child welfare and protection systems in the regions must shift from reactive and institutional-based approaches. In addition, a more comprehensive approach is needed for the delivery of child and family welfare services by the Regional Government, which links tertiary services with primary and secondary services in a series of unitary protections for children. This approach involves actions in several fields:

- f. The legal and regulatory framework needs to be improved. A comprehensive and binding legal framework is needed at the central level. The legal and regulatory framework at the provincial and district levels must be in line with the national framework;
- g. Strengthening and providing child welfare and protection services requires a clear picture of the tasks, responsibilities and institutional processes at each level. The process and criteria for reporting, evaluating and planning interventions and handling cases need to be mapped, standardized and disseminated at all levels;

- h. The capacity of provincial, district and community social workers needs to be strengthened. Newly established duties and responsibilities and accountability must determine the capacity needed at each level. Social workers at the district and community level need practical tools, skills training, guidance and supervision;
- i. Districts must take a role in carrying out training and accreditation of social workers. Social workers are now the responsibility of the Ministry of Social Affairs, but along with the development of the network, districts must take over so that social workers become accredited district employees. Officers who work in orphanages and childcare institutions must be re-trained and reappointed as community social workers;
- j. Outreach services to identify children at risk need to connect social workers with community-based health system networks. The health system network, which consists of puskesmas, health posts and Posyandu, has the largest reach. Social workers must be placed at the sub-district level to connect with health networks;
- k. Monitoring capacity and data systems need to be improved. The government needs to develop a set of agreed indicators, related standards and measurement approaches. In many cases, when the phenomenon is taboo or invalid, output data about processes and institutions can be useful substitutes for measuring the situation. However, the first useful output data requires the establishment of norms agreed by the government for the process and the institution. To the extent possible, fixed surveys such as Susenas and Sakernas must be developed. Indonesia must also consider strengthening the independent supervision function of the Indonesian Child Protection Commission (KPAI);
- l. At the district and provincial level, child protection agencies that carry out monitoring tasks need to make adjustments to national agreed indicators and methodologies within the national framework for child welfare and protection. If coordination is not carried out, child protection data cannot be compared in all provinces and districts, and is not useful for policy and planning.

### **Conclusions**

The legal implications of legal protection for children as victims of rape in the household, in the current criminal law only accommodates acts of forced sexual intercourse in the form of penis penetration into the vagina and with evidence of physical violence due to the penetration. Even though there is a great variety of children's experiences of rape. As a result, children cannot demand justice by using a law that has a narrow definition of the crime of rape. In addition, the experience of women victims shows that sexual violence is not merely rape or sexual immorality, but also includes other types such as sexual harassment, forced marriage, sexual exploitation, forced sterilization, sexual torture, and sexual slavery. Various forms of sexual violence are experienced by adult women, girls, and those with special needs such as people with disabilities.

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