

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 Prolegmatics, 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.

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European Journal of Economics, Law and Social Sciences ISSN 2519-1284 (print) ISSN 2510-0429 (online)

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