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# Fulfillment of Victims' Rights to Handling Child Victims of Sexual Violence in Buleleng Regency

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#### Abstract

This research aims For analyze fulfillment of victims' rights in Handling case child victims of violence sexual in Buleleng Regency. With use approach juridical-empirical, this research explores implementation of the legal protection provided to child victims of violence sexual, as well as evaluate effectiveness mechanism handling carried out by the party authorities, including apparatus enforcer law and child protection institutions. The results of this study indicate that although there is adequate regulation, still there is constraint in implementation, such as limitations source Power humans and their lack mentoring psychological. This research is expected can become input for maker policy For increase efforts to protect and fulfill the rights of children who are victims of violence sexual.



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#### A. INTRODUCTION

A nation has an obligation to provide protection for all its inhabitants. The Indonesian government is responsible for safeguarding every citizen, regardless of their location. This responsibility aligns with the preamble of Article 4 of the 1945 Constitution of the Republic of Indonesia/Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 (UUD 1945) (Margalit & Raz, 2009). Furthermore, the state's obligation to protect its citizens extends beyond national borders, as it constitutes a fundamental human right. Article 28D (1) of the 1945 Constitution guarantees that "every individual has the right to recognition, guarantee, protection, and legal certainty, as well as equal treatment before the law." By ensuring the protection of Indonesian citizens wherever they may be, the state not only fulfills its constitutional mandate but also upholds their basic human rights (Malik et al., 2021).

Criminal acts are inseparable from the fabric of human social life, as they are inherently linked to societal interactions. From a criminological perspective, various factors contribute to the occurrence of crime. Environmental conditions, in particular, play a significant role, as negative influences from one's surroundings can lead to deviant behaviour (Ardhana & Puspitasari, 2023). The development of criminal tendencies is often shaped by adverse environments, inadequate education, and social interactions devoid of religious or moral guidance (Wirawan, et al., 2022). According to Moelyatno, a "crime" is an act prohibited by law, where the violation is subject to punishment under specific provisions. Criminal activities, which encompass illegal actions and the corresponding legal threats, are essential components of what constitutes a crime. For an act to be punishable, it must demonstrate characteristics of criminality. Article 1(1) of the Indonesian Criminal Code/Kitab Undang-Undang Hukum Pidana (KUHP) explicitly states that "an act cannot be punished except under provisions of the applicable law" Thus, any conduct falling within the scope of this law must be addressed according to the prescribed terms and conditions (Putra, 2022).

The prevalence of sexual violence against children in Indonesia remains alarmingly high. Data from the Indonesian Child Protection Commission (*Komisi Perlindungan Anak Indonesia* or KPAI) reveals that sexual violence against children was the most dominant form of abuse in 2023, with over 3,000 reported cases by December 31, 2023 (Hidayat, 2023). In Buleleng Regency, the incidence of sexual violence against children has shown fluctuations over the years. This trend is evident in the data collected over the past five years by the Indonesian National Police, Bali Regional Office, Buleleng Resort (*Polres Buleleng*), as summarized below.

**Table 1**. Data on the Number of Cases of Violence Sexual Against Children in Buleleng Regency

No.	Year	Number of Cases
1	2019	32
2	2020	29
3	2021	22
4	2022	45
5	2023	16

Source : Report from the Women and Children Empowerment Unit , Buleleng Police

The data reveals that the incidence of sexual violence against children in Buleleng Regency has fluctuated over the years. This trend indicates that such crimes remain prevalent in the region. Furthermore, recent data from the Women and Children Protection Unit (PPA) of the Criminal Investigation Unit of the Buleleng Police indicates six reported cases of sexual violence as of early 2024. Alarmingly, most perpetrators and victims in these cases are minors, typically aged 16 to 17 years (Kusuma, 2024).

In addition to the persistent issue of sexual violence, challenges remain in providing adequate support for child victims in Buleleng Regency. One critical gap

is the absence of a safe house dedicated to the protection and rehabilitation of victims. Despite the enactment of Law Number 12 of 2022 on Sexual Violence Crimes, which provides clearer guidelines on victims' rights, implementation remains inadequate. A focal point of this research is the victims' right to medical treatment, as outlined in Article 68 of the law.

This focus is particularly relevant in Buleleng Regency, where certain cases of sexual violence have resulted in victims contracting sexually transmitted infections (Gadafi, 2019). Additionally, cases involving the distribution of immoral acts, such as photos or videos of child victims, on social media highlight the urgent need for comprehensive protection measures. Given these concerning developments and the associated challenges in ensuring victims' rights, this research is both timely and essential. It aims to provide insights into the systemic issues and recommend actionable solutions to enhance child protection in Buleleng Regency (Isnin & Wardhani, 2021).

# **B. RESEARCH METHOD**

This study employs an empirical legal research method, which examines legal provisions in their practical application (law in action) (Ali & Heryani, 2012). This approach is used to assess the fulfillment of victims' rights to treatment for child victims of sexual violence in Buleleng District. The research is descriptive in nature, providing an accurate depiction of existing conditions or phenomena within society (Disemadi, 2024). The study relies on both primary and secondary data sources: primary data is collected directly from the field, while secondary data is obtained through a review of relevant literature, including primary, secondary, and tertiary legal materials. Three data collection techniques were applied: (1) document analysis, involving the review of pertinent literature; (2) nonparticipant observation, where the researcher observes the subject without direct involvement in their activities; and (3) interviews, conducted in the field to gather opinions and insights from respondents or informants (Waluyo, 2008). The sampling technique used was non-probability sampling, ensuring all members of the population had an equal chance of being selected, with a focus on purposive sampling, where participants are chosen based on specific objectives (Diantha, 2016).

## C. RESULTS AND DISCUSSIONS

Problematics Fulfillment of Victims' Rights to Handling against Child Victims of Violence Sexuality in Buleleng Regency

Sexual violence against children represents a grave violation of human dignity, constituting both a crime against humanity and a serious breach of

fundamental human rights (Sari, 2020). This form of violence includes acts involving sexual activity with minors, often referred to as sexual abuse, which inflicts severe physical, psychological, and emotional harm. Such acts encompass cruelty, exploitation, and abuse that leave long-lasting trauma on child victims. Children are particularly vulnerable due to their dependence on adults, limited understanding of their rights, and inability to effectively resist or prevent such abuses. This vulnerability transcends gender, placing all children at significant risk of becoming victims. (Cahyadi, 2024) highlights that individuals under the age of 18 are disproportionately affected, emphasizing the urgency of implementing robust legal mechanisms to safeguard their rights and well-being. Addressing this issue requires a multifaceted approach that combines preventive measures, legal enforcement, and supportive services to protect child victims and reduce occurrences of sexual violence. (Jamaludin, 2021) argues for comprehensive legal frameworks and community engagement as critical components in providing adequate protection. Without such measures, children remain at heightened risk, perpetuating cycles of abuse that undermine their development and violate their fundamental rights (Wismayanti et al., 2019).

The protection of children's rights is firmly established in the Constitution of the Republic of Indonesia, which guarantees every child the right to life, growth, development, and freedom from all forms of discrimination and violence, whether physical or psychological. These constitutional guarantees are reinforced by specific legal frameworks designed to safeguard child victims of sexual violence. Law Number 35 of 2014, which amends Law Number 23 of 2002 on Child Protection, emphasizes the state's obligation to provide comprehensive protection and support for children during the judicial process. This includes specialized assistance from investigation and prosecution to court proceedings, ensuring that child victims are treated with dignity and care throughout their legal journey (Probilla, 2021). Furthermore, the introduction of Law Number 12 of 2022 on Sexual Violence Crimes significantly enhances the protection of victims by addressing legal and practical gaps in previous legislation. Article 66, paragraph (1) of this law explicitly guarantees victims the right to medical treatment, psychological support, and security, beginning from the moment the violence is reported (Novian, 2024). Together, these legislative measures form a robust framework aimed at not only addressing acts of sexual violence but also ensuring the recovery and reintegration of child victims into society, demonstrating Indonesia's commitment to upholding children's rights (Ilyasa, 2021).

Referring to Law Number 12 of 2022 on Criminal Acts of Sexual Violence, this analysis argues that victims of sexual violence are entitled to comprehensive rights to treatment and support, including the following: access to information regarding the entire process and outcomes of case handling, protection, and recovery; receipt of documents related to case handling; legal services;

psychological empowerment; healthcare services such as medical examinations, interventions, and treatments; specialized services and facilities tailored to victims' needs; and the removal of sexual content in cases involving electronic media (Wibowo, 2024). In assessing the implementation of these rights for child victims of sexual violence in Buleleng Regency, research findings reveal that while some progress has been made by law enforcement and related authorities, challenges persist. For instance, the right to information is implemented in a limited manner (Wismayanti et al., 2021). According to Ketut Sudarmayasa, an investigator from the PPA Unit of the Buleleng Police, case-related information is treated as highly confidential to protect the psychological well-being of child victims. Although updates on investigations are shared with the victims' families, full disclosure is avoided to prevent further trauma (Rumble et al., 2020).

Similarly, the right to access case documents remains underfulfilled. Sudarmayasa notes that such documents are withheld from victims to minimize the risk of retraumatization. On the other hand, the provision of legal services has been relatively well-executed, with the PPA Unit striving to adhere to applicable legal regulations (Wallace, 2019). Psychological support is provided in collaboration with the P2KBP3A Service of Buleleng Regency, emphasizing the importance of mental health recovery to prevent lasting trauma. This effort also aims to mitigate the potential for victims to develop harmful behaviors as a result of their experiences. Healthcare services, including medical examinations and treatments, are delivered effectively through partnerships with facilities such as the Buleleng District Hospital.

Despite these efforts, the availability of specialized services and facilities remains inadequate. Sudarmayasa highlights that the responsibility for such provisions lies with the Buleleng Regency Government, which currently lacks critical infrastructure such as safe houses, trauma centers, or shelters. Alponso Kalimaseng, a social worker at the Buleleng Regency Social Services Department, confirms these gaps, citing insufficient budgets and a lack of social workers as significant obstacles. Lastly, the removal of sexual content related to electronic media cases has been insufficient, as explicit images and videos involving minors continue to circulate widely on social media. These materials not only expose the victims to potential stigma and trauma but also highlight a critical area requiring more robust enforcement and intervention.

The Greatest Showman explains that even though efforts have been made to clean or remove pornographic video or image content as mentioned earlier, the rapid spread of information today makes it difficult to stop the circulation of such content once it becomes viral (Baines et al., 2020). Regarding the fulfillment of victims' rights to treatment, it is evident that children who are victims of sexual violence still face significant challenges in having their rights fully protected. The author asserts that ensuring victims' rights is a fundamental aspect of law

enforcement. Law enforcement entails actions taken to uphold the law as a guideline for behavior, carried out by legal subjects and law enforcement officials authorized to ensure the implementation of legal norms in society (Rahman, 2020).

According to Lawrence M. Friedman, the success of law enforcement depends on the functioning of three key components of the legal system: legal structure, legal substance, and legal culture (Friedman, 1975). Similarly, Soerjono Soekanto identifies factors influencing law enforcement, including the law itself, law enforcement personnel, supporting facilities, societal conditions, and cultural factors (Soekanto, 2022). Drawing from these perspectives, the author argues that the challenges in fulfilling the rights of child victims of sexual violence in Buleleng Regency are influenced by structural factors, such as law enforcement personnel, and the availability of supporting facilities. The structural aspect of law enforcement plays a pivotal role in ensuring victims' rights. Soerjono Soekanto highlights that the term "law enforcement" encompasses a wide range of individuals directly or indirectly involved in law enforcement processes (Soekanto, 2022). In this context, law enforcement personnel are those responsible for fulfilling victims' rights. Challenges such as an insufficient number of social workers, a lack of certified law enforcement officers for handling child-related cases, and inadequate skills to prevent and address the circulation of pornographic material involving children hinder the effectiveness of law enforcement efforts (Annisa, 2020).

# Efforts Made For Overcome Problematics Fulfillment of Victims' Rights to Handling against Child Victims of Violence Sexuality in Buleleng Regency

Based on the analysis of the issue, it has been identified that the fulfillment of child victims' rights to proper care in cases of sexual violence in Buleleng Regency remains suboptimal. This shortfall is influenced by two main factors: the legal structure, including law enforcement, and the availability of supporting facilities and infrastructure (Evgenii & Cocou, 2020). Recognizing these challenges, this discussion explores strategies to address the inadequate fulfillment of child victims' rights to care in Buleleng Regency. To address the challenges within the legal structure and enforcement, efforts should focus on enhancing the capacity of law enforcement officers and increasing the number of social workers to support the fulfillment of victims' rights (Kenter & Goldsmith, 2021). Capacity building for law enforcement can be achieved through specialized training or certification programs, particularly for members of the PPA Unit of the Buleleng Police involved in handling cases of child sexual violence. This aims to equip officers with the necessary knowledge and skills to provide professional, childsensitive handling of such cases. Additionally, increasing the number of social

workers is essential to ensure responsive and continuous support services for child victims of sexual violence (Aprilianda et al., 2022).

Addressing the lack of facilities and infrastructure is a crucial aspect of ensuring comprehensive support for child victims of sexual violence in Buleleng Regency. Concrete measures must be taken, requiring coordinated efforts from local government, law enforcement, and the broader community. Among these measures, establishing a safe house should be a top priority (Sugiarto et al., 2023). Such a facility provides a temporary yet secure environment where child victims can find protection during the legal process or until their family circumstances become stable. A safe house is not merely a shelter but a holistic support system that must be equipped with vital services, including medical care, psychological counseling, and trauma-focused therapies to aid in the victims' recovery (Andriansyah et al., 2023).

The role of the local government in this endeavor is indispensable. It must allocate a dedicated budget to ensure the establishment and ongoing maintenance of the safe house. This budget should cover not only infrastructure development but also the operational costs required to deliver high-quality services to the victims (Arsawati, 2021). Beyond financial support, the government can strengthen its efforts by collaborating with community-based organizations and private sector entities. Such partnerships can provide additional resources, expertise, and innovative management solutions to enhance the effectiveness of the safe house (Angriani et al., 2023).

Community engagement is another critical component of this initiative. Raising awareness about the importance of safe houses and involving local stakeholders can foster a sense of shared responsibility. Community participation can also help in mobilizing volunteers, securing donations, and building a supportive network around the safe house. By taking these coordinated and inclusive steps, Buleleng Regency can ensure that child victims of sexual violence receive the care, protection, and recovery opportunities they need. These efforts are foundational to achieving justice for victims and creating a safer, more compassionate society (Krismawati, 2024).

Furthermore, the Buleleng Regency Government needs to improve its budgeting system to ensure sufficient funding for law enforcement and victim support services. Limited budgets often pose significant obstacles, particularly in fulfilling the rights of child victims of sexual violence. Adequate and targeted budget allocation is essential, not only for legal processes but also for capacity building among professionals and the development of necessary support systems. The local government must ensure that resources are allocated equitably between physical infrastructure and human resource development to maximize the fulfillment of child victims' rights to care and protection in Buleleng Regency (Primasari & Ginting, 2017).

### D. CONCLUSION

Fulfillment of the rights of child victims of sexual violence in Buleleng Regency remains a critical concern within the framework of Indonesia's legal system, particularly under the Child Protection Law and the Sexual Violence Elimination Law. This study concludes that despite tangible efforts from various stakeholders, the protection and support provided to child victims have not yet reached optimal levels, particularly in legal, social, and psychological aspects. From a legal perspective, the current legislative framework provides sufficient provisions for protecting child victims of sexual violence. However, implementation in the field is hindered by several challenges. These include limited legal knowledge among law enforcement personnel, a lack of skilled human resources, and inadequate facilities to support victim handling processes. Additionally, the legal process itself is often lengthy and exhausting, leaving victims, particularly children, feeling further victimized and deprived of proper justice.

Socially, stigma and discrimination against child victims of sexual violence continue to be significant barriers. Many victims hesitate to report their experiences due to fear of public stigmatization, which hampers their recovery and limits their access to essential services such as rehabilitation and psychological assistance. Although some institutions provide support services, their reach is insufficient to cover all victims, leaving many without the help they desperately need. Psychologically, the recovery process for child victims remains inadequate. The available counseling and psychological support services often fail to meet victims' needs in both quality and quantity. Psychological support is critical for helping victims recover from trauma and reintegrate into society, but current efforts fall short of addressing the depth of their emotional and mental health needs. To address these gaps, the Buleleng Regency Government, in collaboration with relevant stakeholders, must enhance protection and recovery initiatives for child victims of sexual violence. Strengthened coordination among law enforcement, child protection agencies, and health and psychological services is essential to ensure comprehensive fulfillment of victims' rights. Moreover, public education campaigns to reduce stigma and encourage victims to report their cases should be intensified to create a more supportive and responsive environment.

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# **COMPETING INTEREST**

We declare that there are no competing interests among the authors regarding this research article