Legal Protection for Child Victims of Sexual Violence: A Case Study of an Elementary School Student in Gandus

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ABSTRACT

This study aims to analyze the forms of legal protection for child victims of sexual violence, its implementation in the case of an elementary school student in Gandus District, and efforts to optimize legal protection for victims. The research employed a normative legal method using statutory and case approaches. Data were collected through a library research technique by examining laws and regulations, books, journals, and other relevant literature. The results indicate that legal protection for child victims of sexual violence is carried out through pre-emptive, preventive, and repressive measures. In the Gandus case, legal protection was implemented through law enforcement against the perpetrator, victim assistance, and psychological recovery efforts. The optimization of legal protection can be achieved through strengthening preventive measures, providing legal aid and victim assistance, and developing integrated services to ensure effective protection and recovery for victims.

***Keywords**: legal protection, child victims, sexual violence, child protection, victim recovery*

INTRODUCTION

Children constitute a vulnerable group highly susceptible to various forms of violence, including sexual violence. Sexual crimes against children not only cause physical suffering but also impact their psychological well-being, social relations, and future development. Therefore, child protection is a state responsibility that must be realized through effective policies and law enforcement. Child victims of sexual violence often endure prolonged trauma due to their experiences. Furthermore, victims risk experiencing secondary victimization (re-traumatization) when undergoing examination processes within the criminal justice system. Previous research emphasizes that legal protection for child victims of sexual violence must encompass physical, psychological, and social protection aspects (Yustiningsih, 2020).

Legal protection that focuses solely on punishing perpetrators does not fully address the needs of the victims. As victims, children require continuous rehabilitation to resume their social and educational activities normally. Consequently, legal protection approaches must be oriented toward the best interests of the child. This perspective aligns with Law Number 35 of 2014 concerning Child Protection, which states that child protection encompasses all activities aimed at guaranteeing and protecting children and their rights so they can live, grow, develop, and participate optimally in accordance with human dignity. Moreover, Article 54, paragraph (1a) underscores that every child has the right to receive protection within educational institutions from sexual crimes and violence (Law No. 35 of 2014).

Child sexual violence is a violation of human rights that can hinder child growth and development. The resulting impacts are not only felt in the short term but can affect the victim's life into adulthood. Therefore, the state is obligated to provide special protection to child victims of sexual violence through effective legal mechanisms (Priyambudi et al., 2023). Legal protection for child victims of sexual violence cannot be separated from the principle of state responsibility. The state is tasked not only with drafting regulations but also with ensuring that victims obtain access to justice, rehabilitation, and assistance throughout the legal

process. In practice, the success of legal protection can be measured by the extent to which the victims' rights are substantially fulfilled.

These provisions have been accommodated in Law Number 12 of 2022 concerning the Criminal Act of Sexual Violence (the TPKS Law). This law comprehensively regulates the prevention, handling, protection, and recovery of victims' rights. Article 30 emphasizes that victims of sexual violence crimes have the right to obtain restitution and recovery services, while Article 67 declares that fulfilling victims' rights is a state obligation (Law No. 12 of 2022). Legal protection for child victims of sexual violence is a state responsibility manifested through law enforcement against perpetrators and the fulfillment of victims' rights. This protection includes assistance, legal aid, rehabilitation, and victim recovery, supported by cooperation among the government, families, communities, and relevant institutions to guarantee the optimal fulfillment of children's rights (Salwa & Sumali, 2024).

The case involving an elementary school student in Gandus District does not merely pertain to the sentencing process of the perpetrator, but also concerns how substantial legal protection is provided to the victim. Attention to the victim is crucial because children who experience sexual violence require protection, assistance, physical and psychological recovery, as well as guarantees for the fulfillment of their rights during the legal process. Therefore, this study is necessary to examine the extent to which the provisions regulated under the Child Protection Law and the Criminal Act of Sexual Violence Law have been implemented in practice. Thus, research on Legal Protection for Child Victims of Sexual Violence: A Case Study of an Elementary School Student in Gandus is vital to evaluate the execution of legal protection for victims while providing input to strengthen the child protection system in Indonesia.

METHODOLOGY

The research method employed in this study is normative legal research utilizing a statute approach and a case approach (Suryanto, 2022). Normative legal research is conducted by examining legal norms found in statutory legislation, legal doctrines, and literature related to legal protection for child victims of sexual violence (Sukmawan & Damayanti, 2025). The statute approach is used to analyze the provisions within Law Number 35 of 2014 concerning Child Protection and Law Number 12 of 2022 concerning the Criminal Act of Sexual Violence. Meanwhile, the case approach is used to examine the sexual violence case involving an elementary school student in Gandus District as the object of research analysis.

The data sources utilized in this study consist of primary legal data, secondary legal data, and tertiary legal data. Primary legal data sources comprise legal regulations concerning child protection and criminal acts of sexual violence. Secondary legal data sources consist of books, journals, previous research results, or expert opinions in written form discussing the issues under study. Meanwhile, tertiary legal data sources consist of legal dictionaries, legal encyclopedias, or other sources that support the understanding of primary and secondary legal data. The data collection technique is library research, through which a literature review of these laws will be constructed based on various literature. The data analysis is processed using descriptive analysis techniques, which examine legal regulations and compare them with various facts in the case under study to formulate a conclusion.

RESULTS AND DISCUSSION

Forms of Legal Protection for Child Victims of Sexual Violence

Legal protection efforts for child victims of sexual violence are carried out based on three types of protection: pre-emptive, preventive, and repressive protection. Pre-emptive protection involves early prevention measures that can be implemented through approaches such as counseling, socialization, campaigns, and various other educational activities aimed at instilling public awareness about the dangers of child sexual violence. This aims to foster a better

understanding among parents, children, and the community so they are capable of recognizing, anticipating, and preventing the occurrence of sexual violence against children.

Second, preventive protection can be implemented through various child protection programs, including the National Movement Against Child Sexual Violence (GenAksa), *Peksos Goes to School* (Social Workers Go to School), and various programs to strengthen families and children so they can maintain a safe environment for children. Repressive protection refers to the protection carried out after law enforcement actions are taken against the perpetrator's unlawful acts, spanning from investigation, criminal inquiry, prosecution, to court trial. Protection in the form of law enforcement aims to uphold justice for victims, guarantee the protection of their rights, and impose sanctions on perpetrators as a deterrent to prevent similar actions from recurring in the future (Darmakanti et al., 2022).

Legal protection for child victims in sexual violence cases is regulated under Republic of Indonesia Law Number 35 of 2014 concerning Child Protection. This regulation states that every child has the right to receive protection from all forms of violence, including sexual violence, and the right to be treated in a manner that ensures safety and well-being. Legal protection for victims does not only focus on penalizing perpetrators but focuses more heavily on fulfilling victims' rights and recovering their condition so they can live normally.

Special protection for child victims affected by sexual violence can be achieved by handling perpetrators swiftly, providing medical services, physical, psychological, and social rehabilitation, as well as psychosocial assistance during the recovery process. Additionally, victims are provided with information regarding reproductive health, religious values, and moral values as part of the recovery and prevention process. This protection also includes assisting victims throughout every stage of the legal process—from investigation and prosecution to trial—ensuring that victims' rights remain guaranteed and the risk of trauma caused by involvement in the legal process can be minimized (Hendrayana et al., 2022).

Implementation of Legal Protection for Child Victims of Sexual Violence through Case Handling of the Elementary Student in Gandus

The handling of the sexual abuse case involving an elementary school student in Gandus District indicates that legal actions have been taken in an effort to protect the child victim through the criminal justice process. Data from the Palembang Police (*Polrestabes Palembang*) investigation revealed that law enforcement personnel immediately took action upon receiving the report from the victim's family. This was carried out through several investigative measures, including processing the crime scene, examining witnesses, reviewing CCTV footage, and detaining the perpetrator. This signifies that law enforcement authorities have exercised their legal protection function through a swift and responsive law enforcement process regarding criminal reports involving children as victims (Humas Polri).

This finding aligns with the view of Panggabean et al. (2024), who state that legal protection for child victims of sexual violence is realized through law enforcement against perpetrators and the fulfillment of victims' rights. In this case, the rapid action taken by the Palembang Police in securing the suspect demonstrates the implementation of repressive legal protection as a form of commitment by law enforcement officers to provide legal certainty and justice for the victim. Beyond punishing the perpetrator through law enforcement, this legal protection can also be seen from the planned psychological examination to be conducted on the victim. This demonstrates that legal protection relates not only to the punishment of the perpetrator but also to the psychological recovery of the victim as part of the best interests of the child (Yusyanti, 2020).

The implementation of legal protection is further evidenced by the synergy between the Palembang Police and the Women and Children Protection Unit (*Ditres PPA/PPO*) of the South Sumatra Regional Police. The synergy of this partnership serves as proof of the legal protection

provided to the victim in this child sexual violence case (Safaruddin Harahap, 2016). Imposing sanctions on the suspect by conducting an investigation based on Article 473, Paragraph (7) of Law Number 1 of 2023 serves as an indication that the state has provided a firm response in addressing the issue of child sexual abuse. The imposition of these sanctions is one method of protecting children as victims (Santoso, 2020).

Efforts to Optimize Legal Protection for Child Victims of Sexual Violence

Efforts to secure the best legal protection for child victims of sexual abuse must be pursued through preventive measures, including providing public education, fostering legal understanding, highlighting the crucial roles of parents and schools, and ensuring the active involvement of all community components (Siswanto et al., 2024). Optimal legal protection for child victims of sexual abuse can be achieved through legal aid, assistance during the legal process, and the fulfillment of victims' rights until the case reaches an official verdict. Legal protection also needs to be accompanied by the application of objective and fair sanctions for perpetrators as a lesson for them, while prioritizing justice for the victim. Therefore, legal protection no longer aims solely at strengthening punishments for perpetrators but also guarantees the protection of victims amidst the ongoing law enforcement process (Handoko & Widowaty, 2022).

Kurniawati (2014) states that optimizing legal protection for child victims of sexual violence requires integrated services involving medical, psychological, social, and legal aspects. Victim assistance services must take place progressively from the initial complaint process until the victim successfully reintegrates into society without facing excessive pressure or trauma. The results of this study indicate that cooperation among Child Protection Agencies (LPA), psychologists, healthcare providers, and law enforcement officers within an integrated service system can enhance effectiveness in optimizing victim protection and recovery.

CONCLUSION

Legal protection for child victims of sexual violence is a state responsibility that can be realized through several measures, including prevention, law enforcement, and the recovery of victims' rights. The legal protection that can be implemented consists of pre-emptive, preventive, and repressive protection. Such protection aims not only to penalize perpetrators but also reflects the fulfillment of victims' rights.

The implementation of legal protection in the case of the elementary school student in Gandus District shows that law enforcement authorities have fulfilled their legal protection function responsively through investigation, evidence gathering, suspect detention, and the imposition of criminal sanctions in accordance with applicable regulations. Furthermore, law enforcement agencies plan to conduct psychological examinations for the victim and coordinate the roles of respective institutions. This demonstrates that the legal protection provided does not solely focus on the punitive process but also addresses the recovery of the victim's condition. This reflects the implementation of child protection principles as regulated under Law Number 35 of 2014 concerning Child Protection and Law Number 12 of 2022 concerning the Criminal Act of Sexual Violence.

Optimizing legal protection for child victims of sexual violence requires several efforts, including undertaking preventive measures, increasing public legal awareness, providing legal aid and assistance for victims, preventing revictimization during the judicial process, and developing integrated services among law enforcement personnel, psychologists, health workers, child protection agencies, families, and communities. Through the synergy of these parties, legal protection for child victims of sexual violence can be executed more effectively, thereby guaranteeing justice, protection, and optimal recovery for victims.

RECOMMENDATIONS

The recommendations derived from this study are as follows:

a. Communities and parents are expected to be more active in supervising, assisting, and educating children regarding the dangers of sexual violence, as well as how to protect themselves from various actions that lead to sexual violence.
b. Future research is encouraged to examine legal protection for child victims of sexual violence using empirical methods, through direct interviews with law enforcement officers, child protection agencies, and victims' families.

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