

Implementation of Law Number 12 of 2022 and the Role of State Institutions In Protecting Child Victims of Sexual Violence

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Abstract. *Many victims of child sexual violence suffer from trauma, shame, and a lack of support from their surroundings, making them reluctant to continue their education. Therefore, legal protection for child victims of sexual violence based on the Law on the Crime of Sexual Violence identifies efforts to reduce its impact, particularly on the sustainability of children's education. Children should receive more and the best attention as per the principle of the best interests of the child. Using a normative legal approach, this paper examines how Indonesian laws pertaining to sexual assault have evolved and how they connect to societal symptoms. Child protection measures that are implemented according to the best interests of the child concept encompass social, psychological, and physical protection measures. Legal, psychological, and social help for victims are provided by organizations including the Ministry of Women's Empowerment and Child Protection, KPAI, UPTD PPA, LPSK, Polri, P2TP2A, and NGOs. Establishing a comprehensive and long-lasting protection system requires cooperation amongst institutions. In order to better assist and handle child victims in accordance with their rights and integrate central and regional institutions, it is hoped that this journal will offer strategic contributions. One such contribution is to expedite the establishment of UPTD PPA in each region. Additionally, law enforcement officers, including prosecutors, should immediately utilize Law No. 12 of 2022 concerning Criminal Acts of Sexual Violence, as the TPKS Law regulates prevention, handling, recovery, and law enforcement, which prioritizes victim protection, particularly for victims of child sexual violence.*

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INTRODUCTION

The subject of sexual violence has been discussed for a long time in Indonesian society. Since incidents of sexual harassment and violence happen virtually annually everywhere, the word "sexual harassment" is no longer unfamiliar in Indonesia. In addition to being illegal, violence is one of the behaviors that have damaged someone's honor and dignity (Zaman & Taun, 2023). It can take the shape of threats or actual acts that end in bodily harm or even death. In addition to targeting physical violence, sexual assault may also subtly target the victim's emotional or mental health. Compared to the physical abuse victims also endure, the psychological effects of sexual assault are more difficult to overcome, and it takes a long time for victims to fully recover from the ordeal.

Sexual assault can happen to anyone, including adults, teens, and children (Lewoleba & Fahrozi, 2020). In this instance, both men and women can experience it. Sexual violence is not limited to victims; it may happen anywhere, including in public settings, workplaces, educational

institutions, and even within families (Wartoyo & Ginting, 2023). In 2022, Indonesia passed Law of the Republic of Indonesia Number 12 of 2022 about Criminal Acts of Sexual Violence, also known as the TPKS Law, which addresses sexual violence laws. In order to effectively prevent and handle victims of sexual violence, this law governs the prevention of all criminal acts of sexual violence, the handling, protection, and restoration of victims' rights, coordination between the Central Government and Regional Governments, and international cooperation.

Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence also regulates community involvement in victim prevention and healing to establish a sexual violence-free environment. According to Article 4 paragraph (1) of the TPKS Law, both physical and non-physical sexual harassment are considered forms of sexual violence. Then, with regard to non-physical harassment, Article 5 of the TPKS Law emphasizes that it is directed against the body, sexual desire, and/or reproductive organs with the goal of diminishing a person's honor and dignity because of their sexual orientation and/or moral character. Therefore, the protection of victims of sexual violence or the application of criminal penalties to those who commit sexual violence are fully regulated by Articles 4 and 5 of the TPKS Law.

Articles 5, 6, 8, and 18 of the TPKS Law provide regulations governing action and punishment for those who commit sexual violations. In the meanwhile, Articles 26 through 29 govern victim and witness protection. The police give temporary protection to victims of sexual violence before submitting a request for protection to the Witness and Victim Protection Agency, also known as LPSK. The UPTD PPA can work with the Police and LPSK to provide protection and interim security. Although sexual violence against children is a common case in society today, law enforcement officials, including prosecutors, continue to use Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, as amended by Law Number 17 of 2016 concerning the Stipulation of Government Regulation in lieu of Law Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection into Law (henceforth referred to as the Child Protection Law), even after the passage of Law Number 12 of 2022 concerning Sexual Violence.

I believe there are a number of reasons. The first is that the TPKS Law was only passed in 2022, meaning that the Child Protection Law was the only legal basis for protecting child victims from 2002 until 2022. The new legal basis, the TPKS Law, was then in place and ought to have begun to be implemented. Even though the TPKS Law clearly also regulates the principle of the best interests of children, the second reason is the legal culture that exists among law enforcement officers who are still used to using the Child Protection Law as the legal basis with the assumption that the intended victim is a child. In these cases, the sentence will be increased by one-third of the prison sentence for sexual violence committed against children. This ought to be enough justification for law enforcement officials to utilize the TPKS Law as a foundational legal framework capable of safeguarding children's best interests (Faizah & Hariri, 2022).

Even in the TPKS Law, Article 31 requires investigators, public prosecutors, and judges to inform victims and LPSK of their right to restitution; Article 18 gives judges the authority to decide how much restitution should be paid; and Article 33 allows the public prosecutor (prosecutor) to auction off the confiscation of restitution guarantees for sexually violent offenders, provided that no payment of restitution is made within 30 days of the court decision gaining permanent legal force. Additionally, if the convict's assets are insufficient to cover the cost of restitution to victims, the state will compensate the victim for the underpayment of restitution in accordance with the court's ruling (Simatupang et al., 2023). Technical instructions for the implementation of restitution, from computation, prosecution, to execution, are still lacking because they are tied to other legislation. In contrast to the TPKS Law, which has been discussed in greater detail with reference to reparation.

For instance, there are still concerns about the Child Protection Law's technical guidelines for the prosecutor in charge in the event that the offender refuses to make compensation (Uskandar, 2021). Alternatively, what would happen if the criminal was unable to make

restitution? to educate law enforcement officials about the significance of protecting children who are victims of sexual assault. According to reports from several organizations that deal with the protection and care of victims of sexual violence, the following are: A report from the National Commission for Child Protection (Komnas PA) revealed that there were 3,547 complaints of cases of violence against children received throughout 2023. The complaints were collected from a number of channels, from direct complaints, hotline services, to electronic messages. This number of complaints has increased from the previous year.

The most dominant cases were sexual violence with 1,915 complaints throughout this year. Then followed by physical violence with 985 cases and psychological violence with 674 cases. Based on the place of occurrence, cases of violence against children mostly occurred in the family environment, which was 35%. Followed by incidents in the school environment with 30%, the social environment with 23%, and not mentioned 12%(Muhammad, 2023). Meanwhile, KPAI records show a figure of 3,000 cases of sexual violence that occurred throughout the 2023 period, especially the most dominant victims of sexual violence were children.(BBC News, 2024).

Information from the Ministry of Child Protection and Women's Empowerment (Bharata, 2023). In 2023, there were 14,449 female victims and 13,418 cases. Seven thousand women were victims of sexual violence, the majority of whom were children between the ages of six and seventeen. In 2024, women between the ages of 6 and 59 were the most common victims of sexual abuse, but the majority of victims were still classified as children, aged 13 to 17. 3,968 female victims in 4,530 incidents. Sexual violence against women and children ranked second with 486 applications, according to the Witness and Victim Protection Agency's (LPSK) report. This represents a 93% increase from the previous year, when there were 223 applications for sexual violence against children in 2020 and 426 applications in 2021.

One instance of sexual violence featuring a youngster as the victim is the case of a crime committed against a 13-year-old child in early 2024. The girl had been the subject of sexual violence since 2020, when she was either 9 years old or in grade 3 of elementary school. The matter was first made public on January 5, 2024, when the victim's outside relatives reported it to the authorities. His biological father, brother, and two uncles were the ones who committed the sexual assault. (BBC News, 2024). These occurrences demonstrate the necessity for legal protection for victims of sexual violence, as they can take place in a familial setting and the victim is reluctant to report the act for fear of creating a negative connotation from the community (Yanti & Hatta, 2023).

Furthermore, the Public Prosecutor developed the indictment based on Article 82 paragraph (1) in conjunction with Article 76E of Law of the Republic of Indonesia Number 17 of 2016 concerning the Stipulation of Government Regulation in Lieu of Law of the Republic of Indonesia Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection, which states that "Intentionally committing violence or threats of violence, forcing, committing trickery, committing a series of lies, or persuading a child to commit or allow indecent acts to be committed against the child victim." This is one of the decisions made after the TPKS Law was issued, but the Child Protection Law was still used as the basis for the sentence. If the public prosecutor applies the TPKS Law in a similar case, the criminal penalty will be the same—15 years in prison, with the possibility of an increase of 1/3 to 20 years.

This is outlined in Article 12: "Anyone who uses violence or threats of violence, or abuses position, authority, trust, influence resulting from deceit or relationships of circumstances, vulnerability, inequality, helplessness, dependence of a person, debt trapping or giving payment or benefits with the intention of gaining profit, or uses the sexual organs or other organs of that person which are aimed at sexual desire with him or with another person, shall be punished for sexual exploitation, with a maximum imprisonment of 15 (fifteen) years and/or a maximum fine of Rp. 1,000,000,000.00. (one billion rupiah). There is no difference in the maximum sentence between the Child Protection Law and the TPKS Law; however, if you look at the TPKS Law, it is evidently better to use it because it places more emphasis on protecting victim recovery than it

does on punishing the perpetrator, who often disregards victim recovery, particularly in terms of psychology and recovery support. Additionally, the punishment will be increased by one-third because it is done to a child, and the maximum prison sentence can reach 20 years.

This is due to the fact that the TPKS Law's legal procedure promotes a victim-centered approach to law enforcement. Additionally, the legislation encourages institutions and the community to help the prevention and management of sexual violence incidents. In a real-world example, many child victims of sexual violence are reluctant to continue their education after the incident. However, the TPKS Law, which offers more protection, allows LPSK, UPTD PPA to accompany child victims who eventually continue their education because they receive support from institutions as well as the community. This is covered in TPKS Law CHAPTER VIII, which deals with community and family participation. There are now clearer and more comprehensive regulations even for victim reparations.

The prevalence of sexual assault, particularly against children, should cause us to concentrate more on victim protection, rehabilitation, and support rather than just criminalizing the offenders. According to the TPKS Law, legal protection for victims, including victims of sexual violence, is also provided by the Witness and/or Victim Protection Agency or other organizations with the power to carry out victim recovery, protection, assistance, and preventive measures. These protection organizations also serve as protection institutions for victims of sexual violence, in addition to receiving complaints or requests for help from victims. These organizations also offer victims a great deal of support both within and outside of the courtroom. (Nurusshobah, 2022). Legal science focuses on the victim's perspective, which may or may not be connected to the incidence of sexual violence. For instance, the victim may wear revealing clothing, go out alone, or be out at night, all of which may arouse the lust of the one who commits sexual violence. (Badara & Konisi, 2023).

The media frequently reports on child victims of sexual violence, which can also have a significant negative impact on the child's health and turn the child—who ought to have legal protection for information about themselves and/or their background—into a public secret. It is imperative that criminal law and social policy take into account the protection and interests of victims of sexual abuse, regardless of whether they have sought assistance from the legal system or from already-existing victim protection organizations (Siregar et al., 2023). The most important factor to take into account is how a regulation should be applied or implemented in order for it to be properly carried out. Through an analysis of several incidents that have been previously detailed, this study primarily focuses on the role that state institutions play in protecting victims of sexual violence in Indonesia (Silalahi et al., 2023).

To assess how well the function of institutions that safeguard witnesses and victims has been carried out, a combination of normative, theoretical, and practical study is employed. By offering a thorough viewpoint on the application of protection, pointing out discrepancies between laws and practices, and offering tactical suggestions to enhance the role of associated organizations in providing comprehensive protection for victims of sexual abuse, this study adds innovation. Following the reading of the court verdict against the culprit, the author's study focuses on providing the fullest possible protection for victims of sexual violence, particularly children. The victimology theory and the progressive law theory are the two legal theories that the author employs to provide this complete protection. The notion of biologically weak victims—that is, crimes resulting from the physical state of victims like women, children, and the elderly—is the victimology hypothesis that is employed.

The Theory of Progressive Law is then applied because progressive law views justice as a law that genuinely considers new legal sources to attain justice. For instance, the TPKS Law should have been used and closely watched by all parties following its ratification in order for it to be fully implemented, particularly at the level of law enforcement. Mr. Syahrial Martanto Wiryawan, an expert in LPSK, as well as Mr. Arrafi Andromenda, SKM, the Head of the Administrative Sub-Division at the West Java PPA UPTD, Mrs. Ester Ismayanti, SKM, MKM, the

Case Manager, and Mrs. Ulfah Karimah Yamani, S.Sos., M.Sos., the Counselor of the West Java PPA UPTD, also agreed on this. They maintained that the TPKS Law offers victims greater protection and expressed sorrow that many law enforcement officials, including prosecutors, do not apply it. It is hoped that law enforcement officials would begin to do so in the future. In light of the aforementioned explanations, the author is interested in conducting research for a thesis titled "Implementation of Law Number 12 of 2022 and the Role of State Institutions in Protecting Child Victims of Sexual Violence" because it is crucial to protect victims of sexual violence during the implementation stage in order to promptly treat wounds and trauma, obtain justice in the eyes of the law, and ensure that child victims have the best chance to continue their lives and their education.

This study attempts to identify a number of significant concerns that are the study's focus based on the backdrop that has been given. First, how is Law Number 12 of 2022 about Criminal Acts of Sexual Violence being implemented and what kind of legal protection is available to children who have been sexually abused? What part do public institutions play in safeguarding children who have been sexually abused? These two ideas serve as the foundation for a thorough comprehension of the legal protections that are accessible as well as for more efficient management initiatives (Rahayu, 2024). An in-depth analysis of the issues that have been highlighted is the goal of this study. The study's primary goal is to identify, investigate, and assess how the Law on the Crime of Sexual abuse's legal protections for children who have experienced sexual abuse are being applied.

Second, this study looks at and evaluates the steps state institutions can take to lower the incidence of sexual violence against minors. Therefore, it is anticipated that this study will offer strategic insight into enhancing children's legal protection. Both theoretical and practical gains are anticipated from this research. In theory, this study should advance the knowledge of justice and legal certainty while also advancing legal protection in Indonesia, particularly with regard to victims of sexual assault. In practice, this study helps law enforcement by serving as a guide for giving protection from sexual assault cases top priority. Furthermore, this study offers suggestions to state institutions involved in child protection on how to better support and manage child victims in compliance with their rights and more successfully integrate central and regional institutions, including expediting the establishment of UPTD PPA in each region.

METHODS

This journal publishes normative legal research, particularly in relation to the crime of sexual violence. Every year, Indonesia conducts research on sexual violence and the creation of laws pertaining to it. The goal of this study "is to be able to conduct an analysis of legal events by looking at the development of events from time to time and seeing their relationship to existing social symptoms" (Luhmann et al., 2012). This research helps us understand the goal of a policy, particularly in relation to crimes involving sexual violence. The purpose of this research was to gather relevant research materials, including ideas, conceptions, legal principles, and regulations. Normative legal research encompasses the following areas (Ali, 2021): a) Legal principle research; b) Legal systematics research; c) Legal synchronization level, both vertical and horizontal; To shed light on the issues raised, the gathered data is examined. Data analysis is done in a normative qualitative way, specifically: a) Normative: current regulations were used to perform this study. This study is a library research study, specifically a secondary data study. (Martono, 2010); b) Qualitative: data is used, organized, sorted into manageable units, synthesized, patterns are sought and found, lessons are learned, and what may be shared with others is determined. Direct interviews with those thought to be knowledgeable about the current issues will be one of the methods used.

RESULTS AND DISCUSSION

Analysis of the Implementation of Protection for Child Victims of Sexual Violence in Connection with the Fulfillment of the Principle of the Best Interests of the Child

One significant component of Indonesia's legal system that adheres to the best interests of the child principle—a fundamental tenet of both national and international law—is the protection of children who have been sexually abused. This concept guarantees that every choice or action involving a child must be taken with the kid's best interests in mind, including safeguarding them against sexual violence and other types of violence. Protecting children who have been sexually abused involves more than just punishing the offender; it also entails social rehabilitation, efforts to improve the child's physical and mental health, and prevention measures to shield future generations from similar abuses (Setiawan & Saputra, 2024). The following will provide an explanation of how Indonesia has implemented protection for children who have been sexually abused, which is connected to the best interests of the child principle:

The legal protection principle of children's best interests

Through Presidential Decree Number 36 of 1990, Indonesia accepted the Convention on the Rights of the Child, which includes the best interests of the child premise. This principle highlights that every policy, action, and decision pertaining to children must take into account the child's primary interests and offer the best possible protection for their rights. In the context of sexual violence, the application of this principle means ensuring that every stage of protection, from reporting, legal process, to victim recovery, must be carried out by maintaining the interests of children as the main priority. This principle is implemented in the Child Protection Law Number 35 of 2014 and the Law on Sexual Violence Crimes (UU TPKS) which emphasizes the importance of a child-friendly approach, victim-oriented, and maintaining children's basic rights. A structure of child protection legal regulations outlines the governmental policy in guaranteeing a kid's rights and obligations. The World Health Organization defines sexual violence as any action that involves coercion or threats that is intended to cause harm to a person's sexuality or sexual organs without that person's permission. (Garnita & Muslimah, 2024). The Republic of Indonesia has detailed regulations pertaining to measures to protect children who are sexually abused. According to the Child Protection Law's Article 69 letter a, children are entitled to education on the value of morality, religion, and reproductive health. If a child becomes a victim, they will also receive psychiatric support and treatment, as well as social rehabilitation, until they recover and their trauma goes away (Kinasih & Latif, 2024).

According to Article 17 paragraph 2 of Law Number 23 of 2002 concerning Child Protection, "Every child who is a victim or perpetrator of sexual violence or who is in conflict with the law has the right to confidentiality." This is part of the goal of social rehabilitation to eradicate trauma in victims (Irawati, 202). Improved once more with the passage of Child Protection Law Number 35 of 2014, which reads, "Special Protection for Children in conflict with the law as referred to in Article 59 paragraph (2) letter b is carried out by avoiding publication of their identity." According to paragraph (2) of Article 59: "Children in conflict with the law are children who: a. Children in emergency situations; b. Children in conflict with the law; c. Children from minority and isolated groups; d. Children who are exploited economically and/or sexually; e. Children who are victims of abuse of narcotics, alcohol, psychotropics, and other addictive substances; f. Children who are victims of pornography; g. Children with HIV/AIDS; h. Children who are victims of kidnapping, sale, and/or trade; i. Children who are victims of physical and/or psychological violence; j. Children who are victims of sexual crimes; k. Children who are victims of terrorist networks; l. Children with disabilities; m. Children who are victims of mistreatment and neglect; n. Children with deviant social behavior; and o. Children who are victims of stigmatization from labeling related to their parents' conditions." These two articles prove that the state has guaranteed the protection of children as victims of sexual violence in cases where their identity may not be described in detail as written in Article 59 Paragraph (2) Letter j above. In the trial

process for cases of sexual violence, the authority of investigators, public prosecutors and panels of judges to explain facts related to cases of sexual violence against children has been limited.

Implementation of Legal Protection for Child Victims of Sexual Violence

Implementation of legal protection for child victims of sexual violence includes legal steps, recovery assistance, and integrated social support. Some of these implementations include:

Identity and Privacy Protection

Children who are sexually abused frequently endure additional stress and stigma from their environment. Consequently, protecting the victim's identity is a crucial first step in protection. According to the Child Protection Law and the TPKS Law, child victims' identities must be kept secret from the public during the court proceedings and following the case's conclusion. It is believed that victims will feel more comfortable reporting violent incidents and receiving the necessary assistance with this privacy protection. Because the law has controlled the confidentiality of the child's identification as both a victim and a perpetrator, victims of sexual abuse, particularly those who are minors, must have their right to privacy preserved. Several factors should be taken into account when preventing childhood trauma in order to hasten the healing process. Article 61, paragraph (2), also regulates the confidentiality of the identity of children in legal trouble. It states that the mass media, as mentioned in Article 19, must keep the identity of the child, child victim, and/or child witness secret by merely using initials devoid of images.

All personal information that could identify a kid in legal trouble is considered confidential under Article 19 and Article 61 paragraph (2), meaning that no one is allowed to disclose it in print or electronic media. Additionally, initials must be used without a title when publishing in the mainstream media. Referring to the Child Criminal Justice System Law's Article 19 and Article 61, paragraph (2), which forbid the publication of information on the identities of children who are in legal trouble, either through print or electronic media. Media that uses electronics or electromechanical energy to make its material available to end consumers is known as electronic media. (2024) World Encyclopedia. According to the understanding of electronic media, laws and regulations for the protection of children, particularly the protection of children in conflict with the law, forbid the dissemination of personal information about them in digital spaces like social media.

Legal and Psychological Assistance

One crucial component of legal protection for children who have experienced sexual violence is the provision of legal and psychological support. A lawyer or counselor who is knowledgeable about sexual abuse cases and the psychological effects of the violence must accompany children when it is implemented. In addition to providing the psychological support required to enable children to navigate the legal system more easily, this help seeks to guarantee that children's rights are upheld throughout the proceedings (Rodham, 1973). In keeping with the best interests of the child premise, the TPKS Law also highlights the significance of psychological support for victims. Children who receive psychological support are better able to recover from the trauma of sexual assault. The Integrated Service Center for the Empowerment of Women and Children (P2TP2A), government-provided special service facilities, or non-governmental organizations involved in child protection may offer this service.

Child-Friendly Case Handling

A child-friendly strategy, which prioritizes the victims' comfort and protection throughout the judicial proceedings, must be used when treating situations of sexual abuse against minors. In actuality, a child-friendly strategy consists of processes that consider the child's psychological state, examinations that do not put children under undue pressure, and the use of language that is simple enough for kids to grasp. Special exams carried out by investigators or police with experience in handling child matters are also part of this kid-friendly treatment. Because it can

increase the psychological burden and trauma experienced by child victims, this investigation attempts to ensure that children do not have to retell the account of the violence they witnessed.

Recovery and Rehabilitation for Child Victims of Sexual Violence

Fulfillment of the principle of the best interests of children includes a comprehensive recovery process so that child victims of sexual violence can continue their lives well. This recovery process includes physical, psychological, social, and economic rehabilitation aspects if necessary. (Debra et al., 2023).

Psychological Recovery and Social Rehabilitation

Since the primary impact that child victims of sexual violence endure is psychological trauma, psychological rehabilitation should be the first focus when it comes to victim protection. To assist victims in overcoming their trauma, P2TP2A and other social service organizations offer psychological counseling services. Counselors or child psychologists with specialized training in treating child trauma from sexual violence are typically involved in this psychological recovery process. Children need social rehabilitation in addition to psychological recovery in order to adjust to their social surroundings. After being sexually abused, many victims have feelings of embarrassment or anxiety when socializing with their friends. Thus, the goal of social rehabilitation programs is to help kids regain their confidence and get back to their regular social lives.

Economic Rehabilitation Assistance

Children who endure sexual violence may occasionally have financial difficulties for their families, particularly if they must pay for costly medical or psychological care. According to the TPKS Law, the government must give victims in need financial support so that financial limitations don't impede their ability to recover. To help the victim's family recover from the financial decline brought on by sexual assault, economic rehabilitation might take the shape of direct aid or support in the form of empowerment and training initiatives.

Prevention of Sexual Violence against Children

As part of the implementation of the protection of child victims of sexual violence, the TPKS Law also emphasizes the importance of prevention efforts. The government and society have a responsibility to implement educational and socialization programs regarding the dangers of sexual violence and the importance of protecting children's rights.

Education in Schools and the Community

Communities and schools can make a big difference in stopping child sexual abuse. Prevention includes educating people about children's rights, promoting healthy sexual behavior, and identifying potential forms of sexual violence. It is believed that youngsters who receive the right education would be able to identify the warning signals of sexual violence and understand self-defense techniques. Additionally, education is intended to help parents, educators, and the general public better understand sexual violence and how to avoid and respond to incidents that do occur. With this socialization, it is intended that the community would be more attentive and sensitive when it comes to safeguarding children from sexual violence.

Training for Law Enforcement Officers

In order to safeguard victims of sexual abuse, the best interests of children principle must be applied, which calls for law enforcement personnel who are knowledgeable and sensitive while dealing with kid situations. To increase the quality of addressing cases of sexual abuse against minors, law enforcement personnel must get specialized training and instruction. The psychology of child victims of violence, kid-friendly practices, and how to deal with child victims of sexual violence are all covered in this program. Law enforcement personnel can more successfully offer legal protection to child victims if they possess certain knowledge and abilities.

The TPKS Law's implementation of protection for child victims of sexual abuse in Indonesia demonstrates more focused and organized efforts to uphold victims' rights and the best interests of children premise. Identity protection, psychological and legal support, and a kid-friendly handling procedure are examples of protection measures. Additionally, protecting children's futures prioritizes the recovery and rehabilitation of children who have experienced sexual assault. This includes providing them with financial support, social rehabilitation, and psychological recovery. However, preventative initiatives that incorporate community engagement, law enforcement officer training, and school education also provide a comprehensive strategy for shielding kids from the dangers of sexual assault. It is anticipated that the application of the best interests of the child concept would offer the highest level of protection and ensure that Indonesian children will not experience any kind of sexual assault in the future.

Analysis of the Role of Institutions in Providing Protection for Child Victims of Sexual Violence in Indonesia

In Indonesia, protecting children who have been sexually abused necessitates the participation of multiple institutions. These organizations collaborate to address situations of child sexual abuse and are crucial in guaranteeing that children's rights—from legal protection to psychological healing to social reintegration—are upheld. It is believed that by carrying out these institutions' duties, children who have been sexually abused will be protected, given justice, and given enough support to go on with their lives. The role that Indonesian-institutions play in protecting children who have been sexually abused is explained below. Ministry of Child Protection and Women's Empowerment (KemenPPPA). Developing child protection policies and making sure that children's rights—including those of children who have experienced sexual violence—are upheld are the main responsibilities of the Ministry of Women's Empowerment and Child Protection (KemenPPPA). KemenPPPA contributes to:

Developing Policies for Child Protection: The Ministry of PPPA is responsible for developing rules, directives, and policies pertaining to safeguarding children against violence, particularly sexual violence. This involves creating operational guidelines for dealing with victims and safeguards that other organizations can use. **Inter-Agency Coordination:** To guarantee that cases of sexual assault against minors are handled effectively, KemenPPPA works with a number of governmental and non-governmental organizations and agencies. Additionally, they run campaigns and campaigning to increase public understanding of the significance of shielding children from sexual assault. **Support Service and Program Provision:** The Ministry of Women's Empowerment and Child Protection works with local governments and associated organizations to establish service centers for victims of violence. One such center is the Integrated Service Center for the Empowerment of Women and Children (P2TP2A), which offers support, counseling, and rehabilitation services to victims who are children.

Table 1. Child Sexual Violence Data Year 2020-2024 at UPTD PPA West Java

No	Year	Number of Cases
1	2020	90 Cases
2	2021	63 Cases
3	2022	103 Cases
4	2023	96 Cases
5	January- August 27, 2024	128 Cases

Source by: UPTD PPA West Java.

Integrated Service Center for the Empowerment of Women and Children (P2TP2A)

One organization within the Ministry of PPPA, P2TP2A, assists in offering direct assistance to victims of violence, particularly children who have been sexually abused. The roles of P2TP2A are as follows: **Legal and Psychological Support:** For children who have been sexually abused, P2TP2A offers legal and psychological support. Counselors, psychologists, and attorneys are

available at this facility to assist victims in their trauma rehabilitation and to follow them throughout the legal procedure. Complaint and Information Center: P2TP2A is a location where families or children who have been abused can report instances of sexual assault. This organization offers information on the rights of victims and how to get protection. Social and Economic Rehabilitation: For victims of sexual violence who suffer long-term effects like lost schooling or financial difficulties in the family, P2TP2A offers social and economic rehabilitation in addition to psychological support.

Indonesian Child Protection Commission (KPAI)

Overseeing the execution of child protection in Indonesia is the responsibility of the autonomous state organization known as the Indonesian Child Protection Commission (KPAI). KPAI's responsibilities for safeguarding children who have been sexually abused include: Advocacy and Supervision: KPAI is responsible for overseeing the application of child protection regulations, especially those pertaining to sexual assault. In order to make sure that the legal procedure is conducted in compliance with the requirements and from the standpoint of the child's best interests, KPAI also promotes and oversees how law enforcement officials handle cases. Case Management and Mediation: When it comes to incidents of sexual violence against children who need extra care, KPAI can directly assist. In order to guarantee that victims receive the proper protection and care, this organization frequently serves as a mediator between the victim's family, legal authorities, and other relevant organizations. Education and Awareness Campaign: KPAI actively engages in public education initiatives to increase understanding of the risks of sexual violence and the significance of protecting children. KPAI also invites the public to report instances of violence that happen in their community through this campaign.

National Commission on Violence Against Women (Komnas Perempuan)

In Indonesia, the National Commission on Violence Against Women (Komnas Perempuan) was founded on a number of solid legal foundations. Executive Order No. 181 of 1998 is the first and most significant. On October 9, 1998, President BJ Habibie signed this Presidential Decree. The purpose of this Presidential Decree is to create a commission that will deal with, prevent, and address different types of violence against women. The Indonesian government has formally mandated Komnas Perempuan to defend women's rights and empower them in a variety of spheres of life by this Presidential Decree. (Rinaldo, 2019). Furthermore, Law No. 39 of 1999 respecting Human Rights provides additional legal support for the National Commission on Violence Against Women's existence and operations. This statute highlights the importance of women's rights in relation to human rights. This gives the National Commission on Violence Against Women another legal foundation to fulfill its objective of defending women's rights and preventing gender-based violence. As a result, this law enhances the National Commission on Violence Against Women's standing as an organization with the power to promote and guarantee the defense of women's rights in Indonesia. (2021).

Regarding the caliber of services, Komnas Perempuan offers a range of assistance, such as legal aid, psychiatric counseling, and support during the court proceedings. Legal aid guarantees that victims obtain proper justice and legal protection, while psychological therapy services work to assist victims in overcoming trauma and regaining their mental health. To make sure that victims don't feel alone and have support during the frequently tense and terrifying proceedings, assistance during the legal process is particularly crucial. Through outreach and education initiatives, Komnas Perempuan actively contributes to increasing public awareness of sexual violence concerns. Reducing stigma against victims, changing public perceptions of sexual violence, and encouraging more victims to come forward and seek assistance are the goals of these efforts. According to Masyrofah (2023) Komnas Perempuan works to improve the environment for victims of sexual violence by collaborating with communities, educational institutions, and the media.

Nevertheless, despite significant advancements, Komnas Perempuan's efficacy continues to encounter a number of obstacles. It is frequently difficult to provide the best services and reach

all societal levels due to a lack of funding and qualified personnel. Additionally, Komnas Perempuan's attempts to offer effective help are hampered by cultural issues such as strong patriarchal standards and a lack of public education and awareness of women's rights. Jenawi (2017). Overall, Komnas Perempuan has demonstrated a strong commitment to providing support and services to victims of sexual harassment. Although there are still challenges to be faced, various efforts made by Komnas Perempuan have had a positive impact in protecting women's rights and helping victims in their recovery process. By continuing to increase capacity and cooperation with various parties, Komnas Perempuan is expected to continue to increase its effectiveness in providing protection and support to women who are victims of sexual violence in Indonesia.

Witness and Victim Protection Agency

Despite widespread awareness of the value of protecting witnesses and victims, it is nevertheless challenging to gather information and locate firsthand accounts from witnesses and victims in Indonesia. It will be challenging for witnesses and victims to testify if they are not adequately protected. Law No. 13 of 2006, which was followed by the creation of the Witness and Victim Protection Agency (LPSK), was a breakthrough in addressing the shortcomings associated with victims' and witnesses' neglect. However, LPSK fought for the amendment of Law No. 13 of 2006, which went into effect on August 11, 2006, because it was still deemed to be subpar. LPSK worked with the Ministry of Law and Human Rights to revise Law No. 13 of 2006 by finishing the academic text that was followed by the Presidential Approval Letter (Surpres). In 2014, the revised law was added to the National Legislation Program (Prolegnas). (Criminal Justice Reform Institute, nd).

Law No. 31 of 2014 concerning Amendments to Law No. 13 of 2006 concerning Protection of Witnesses and Victims was released following the revision process. It is anticipated that Law No. 31 of 2014 will have a significant influence on those in need of protection. This law's existence also demonstrates the state's growing recognition of the rights of crime victims. The author is further supported by two types of role behavior, such as role perception and role expectation, regarding the role that LPSK plays in protecting witnesses and victims. LPSK, its members, and other agencies that have partnered with it can assign their members or institutions responsibilities and functions that align with the legal provisions. The broader community's expectations for witness and victim protection services, as outlined in Law No. 31 of 2014, must also be fully met by LPSK. Thus, LPSK's responsibility to defend witnesses' and victims' rights as outlined in Law No. 31 of 2014 is broken down into multiple sections, specifically:

Providing Support Services for Fulfilling Procedural Rights

In order to satisfy the rights of witnesses and victims as outlined in Article 5 paragraph (1) of Law No. 31 of 2014, protection and assistance services, particularly procedural rights support services, can be offered. However, victims and witnesses cannot be granted all of the rights outlined in Article 5. Only the right to help, the right to hire an interpreter, or the right to reimbursement for transportation expenses are granted. According to Susi Laningtias, witnesses are granted procedural privileges because of vulnerable circumstances, such as children or victims of sexual violence, rather than because they feel threatened or intimidated. Although their circumstances are extremely precarious, they do not feel threatened or intimidated. Due to their fragile circumstances, victims and witnesses get assistance services in order to exercise their procedural rights. After then, LPSK works with law enforcement to deliver this service.

Physical Protection Services

To fulfill its responsibility of offering victims and witnesses physical protection, including the right to be free from threats relating to their testimonies, whether they have already been given or will be, and the right to have their personal, family, and property secured. In addition, witnesses and victims have the right to a new identity and a new place of residence, which are further physical protection services offered by LPSK, performs guarding and escorting in order

to provide security for witnesses, victims, and their family members. According to Law No. 31 of 2014, LPSK also places victims and witnesses in a safe house. This is done in order to safeguard victims, witnesses, and their families from all types of abuse and threats.

Medical Assistance Services

Following a Plenary Meeting procedure conducted by LPSK members, LPSK is able to offer medical assistance services. Witnesses and victims must complete a number of procedures, including submitting the necessary paperwork, LPSK informing them of the status of their applications for medical assistance services, and concluding with an agreement between the victims and witnesses and LPSK. Following this procedure, witnesses and victims in need of medical help will be referred to hospitals or medical units that LPSK has already managed by LPSK through the Witness and Victim Rights Fulfillment Division (PHSK Division). Inpatient or outpatient doctor's fees, medical charges, replacement transportation costs, and food and drink expenditures, including for the applicant's companion, are all included in the medical assistance offered by LPSK. Medical treatments including urgent and emergency medical services are also available. While emergency services are given to victims who are in danger, urgent services are those that need to be completed for victims as soon as possible. Additionally, in accordance with the Decree of the Head of LPSK Number: KEP-197/1.2/LPSK/IV/2015 about Assistance in the Management of Corpses for Protected Persons who have died, LPSK also offers death benefits. In connection with this, LPSK offers it to victims of egregious human rights abuses due to their experiences with torture.

One of the services that LPSK offers to victims in need of both inpatient and outpatient medical help is care and treatment that necessitates a hospital referral. at the meanwhile, LPSK offers intensive care services, such as the availability of intensive care unit (ICU) care at hospitals that have been filed by LPSK and are staffed by physicians, nurses, and specialized equipment, to victims who require urgent and emergency services. Based on the experiences of witnesses and victims, LPSK has prepared medical services that include not only general practitioners but also specialists like surgeons, internal medicine specialists, eye specialists, dentists, and so forth. LPSK does this so that medical services can concentrate on treating illnesses based on assessments conducted by victims' medical professionals. Prior to the victim starting medical treatment, LPSK determines the location of the hospital or medical unit that the victim can reach, after which LPSK works with the hospital. so that the number of hospitals that will collaborate with LPSK will rise in tandem with the growing number of victims in different regions who want medical aid. In hospitals that have partnered with LPSK, this will undoubtedly make it simple for victims in need of medical aid to get these services.

Psychological Support Services

Witnesses and victims can receive psychological assistance services that take into account a number of factors. For example, victims of serious human rights violations can receive services that consider psychological rehabilitation for trauma experienced during the time of the violation, while victims of specific crimes can receive services that take into account the ongoing legal process and improve the victim's psychological state. Following a Plenary Meeting process conducted by LPSK members, LPSK may additionally offer this type of service. The type of psychological support offered also differs based on the victims' and witnesses' requirements. Sexual violence victims, for instance, will receive psychological support from LPSK in the form of psychological rehabilitation because they suffer from trauma brought on by past experiences.

Psychosocial Rehabilitation Assistance Services

Psychosocial rehabilitation assistance services are implemented based on the provisions written in Article 6 of Law No. 31 of 2014, which contains the following: In addition to the rights mentioned in Article 5, victims of severe human rights violations, terrorism, human trafficking, torture, sexual assault, and severe abuse are also entitled to medical aid as well as assistance with psychosocial and psychological rehabilitation. The LPSK ruling serves as the foundation for the

aid mentioned in paragraph (1); 2) Clothing, food, shelter, help finding work, help finding education, and mental recovery are all examples of the assistance that LPSK provides in relation to psychosocial rehabilitation services; 3) LPSK is unable to provide psychosocial services on its own and must work in conjunction with a number of related organizations, including the Department of Social Affairs, the Department of Education, the Department of Housing, and others. so that victims will be the focus of all government programs.

Restitution Submission Facilitation Service

To make the restitution application easier, LPSK will compile information about the victim's losses, determine how much the victim has lost based on the evidence that is currently available, have the victim sign the results of the loss calculation, and submit the restitution application to the court or Public Prosecutor (JPU) along with the-amount of losses that will serve as the foundation for the Panel of Judges' decision. In reality, anyone can provide restitution services, whether it's through LPSK or the victim's initiative. Restitution services, as opposed to compensation services, are available to all victims and witnesses. Because there are sometimes several victims in a single human trafficking case, the Crime of Human Trafficking (TPPO) is currently where restitution services are beginning to be active.

Society's Responsibility to Protect Child Sexual Violence Victims

Align with research from Adnani (2023), in addition to the aforementioned organizations, society plays a critical role in protecting children who are sexually abused. The following are some ways that the community can contribute: Reporting Sexual Violence Cases: It is morally required of the people to report any instances of sexual violence that they become aware of. The public can assist child victims in receiving the support and safety they require by reporting these occurrences. Increasing Awareness of Sexual Violence: Educational initiatives and efforts to prevent sexual violence against children can be undertaken by communities. Communities may contribute to the creation of a safe environment for children by being aware of the risks associated with sexual violence and how it affects children.

In Indonesia, the community and a number of governmental and non-governmental organizations share responsibilities for protecting children who have been sexually abused. From the legal system to psychiatric support, rehabilitation, and sexual violence prevention, each institution has a unique function that works in tandem to offer complete protection for child victims. It is hoped that children who are victims of sexual violence will receive justice and a proper recovery through the implementation of the Ministry of Women's Empowerment and Child Protection, UPTD Women's Empowerment and Child Protection, P2TP2A, KPAI, National Police, LPSK, NGOs, Ministry of Social Affairs, and community support. In keeping with Indonesia's pledge to defend children's rights against all types of violence, including sexual abuse, the implementation of this all-encompassing protection is a practical way to apply the best interests of children principle.

CONCLUSION

Since the TPKS Law is more structured and focused on protection, as it guarantees the rights of victims and has fulfilled the principle of the best interests of children, its implementation following the enactment of Law Number 12 of 2022 concerning Sexual Violence (UU TPKS) should have become the legal basis and used by law enforcement officers, such as prosecutors, in Indonesia. The best interests of children serve as the foundation for all policies and legal actions, including the protection of children who have been sexually abused in Indonesia under Law Number 12 of 2022. This-principle highlights that the fulfillment of children's rights, including social, psychological, and physical protection, must be the primary goal of any efforts undertaken to address situations of sexual abuse against children. This protection encompasses a number of actions, such as reporting, kid-friendly legal procedures, harsher penalties for offenders, and post-event rehabilitation. This indicates that the TPKS Law places greater emphasis on victim protection and assistance rather than merely stiffening criminal penalties for offenders. This is

because there are more significant factors, such as trauma, pain, and fear, that cannot be quantified by criminal penalties or fines, particularly for child victims who are the country's generation's heirs and have limited capacity for self-awareness and self-defense. In order to provide this protection, a number of institutions are essential to its implementation.

The responsibility for creating child protection policies and organizing associated organizations falls on the Ministry of Women's Empowerment and Child Protection (KemenPPPA). While the Indonesian National Police (Polri), through the Women and Children's Service Unit (UPPA), handles investigations and cases sensitively towards children, the Indonesian Child Protection Commission (KPAI) makes sure that children's rights are upheld throughout the legal process, and LPSK and UPTD PPA help to protect victims who are also witnesses so that they are not afraid to speak up. Additionally, child victims can receive legal and psychological support services from the Integrated Service Center for the Empowerment of Women and Children (P2TP2A). Non-governmental organizations (NGOs) are also crucial in preventing sexual violence by offering community education, counseling, and rehabilitation services. By offering victims financial support and social rehabilitation initiatives, the Ministry of Social Affairs also makes a contribution. In order to develop a thorough and long-lasting protection system, cooperation between various institutions is crucial. Child victims of sexual violence can receive justice, healing, and protection in line with the best interests of the child principle when these institutions work well together. In this approach, it is intended that perpetrators will face harsher punishments, reducing the number of sexual violence cases, and children who are victims will be able to pursue their goals and education without feeling threatened.

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