



Legal Protection of Children Who Are Victims of Criminal Acts of Obscenity

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Abstract. In Indonesia, there are often cases of sexual violence against children, especially cases of obscenity where the victim is always engaged every year. This phenomenon of obscenity is increasingly frequent and increases over time, an increase in violence not only in terms of quantity or number of victims that exist but also from quality. And even sadder, the perpetrators are most of the closest people to the victim either in the home environment or the school environment. Therefore, the public needs to know the role of the P2TP2A institution formed by the government in dealing with violence against children. The work program of the P2TP2A institution in ensuring the sustainability of children's rights is a mandate of number 35 of 2014 concerning child protection.

Keywords: Child Victims of Criminal Acts · Legal Protection · Obscenity

1 Introduction

This adulterous event is a cruel and grim crime that scares the future of the child. A child has limited ability both physically and socially in various conditions to respond to danger automatically, even if the family or society is active in providing protection to the child's feeding child will feel comfortable with their world.

If we look at the recent developments in the COVID-19 pandemic, a lot of violence has shown the child to be an object of criminality, but now it's starting to enter as the subject of crime itself. The child is a gift given by the Almighty as a gift that must be kept, and the child is the forerunner of a future generation. Only in the future. As a wise country, it is worth protecting and protecting the child from all evil that threatens the future of the child. "Then in the definition of children under the 1945 Constitution, the definition of children is contained in article 34 which reads "poor children and abandoned children are cared for by the state" which means that children are subject to national law that must be protected, cared for and nurtured to achieve child welfare. Responsibility of the government and the public".

The child is a gift and a hope that must be preserved so that it becomes a human who can potentially advance nations and nations. In providing protection to children are those involved in both the government, family, and society.

“All we know is to keep and build a generation for the future is our duty together where the younger generation will continue the struggle and goals of the nation and the country.” is aware of the law in which protection of children is regulated in Law No. 23 of 2002 second amendment to Law No. 35 of 2014 second amendment to Law No. 17 of 2016 “A sense of security for a child.”

“Children are very vulnerable to cases of sexual violence in this case of sexual abuse because the child is categorized as being weak and has dependence on the surrounding adults. This is what this is about. Makes the child feel helpless when threatened by the perpetrator and unwilling to reveal it. Sexual violence against both boys and girls should not continue to dissolve and consume many victims. Abortion is a moral and legal offense, and psychological and physical injury” [1].

According to Richard J Gelles, child abuse is an intentional act that will make a huge impact on children emotionally or directly. “Fornication to child according to En The International Child Prostitution In Asia Tourism (ECPAT) is the relationship and amalgamation of a child with a fairly mature person such as parents, strangers, siblings, aboutga, etc. in which the child is used as a sexual appetite”. Crimes committed by using force either by force or by injuring the child to satisfy the desires of the perpetrator, in which this act can be attributed to child abuse.

Sexual harassment is a crime that usually uses violence and persuasion. Abortion offenders are usually those who commit are very close to the child. Finkelhor in English. Said that children from some groups are more susceptible to sex than others. If a child is separated from his parents and cared for by a guardian then the child should be kept under extra care”.

“Abdul judge Lu Nusantara once said that the protection of children’s law is a complex protection in Indonesia. The problem cannot always be dealt with with justice, but requires a broader approach, such as social, economic, and cultural approach”.

These perpetrators of sexual harassment feel the child is their channel of sexual desire. This affects children’s opinion, which is not clear to understand that this is a crime because the child feels helpless when the perpetrator attempts to force them to commit a crime [2]. In 2020, it increased by 265,150 cases and placed Indonesia 9th in violence against women and children.

P2TP2A DKI Jakarta was inaugurated with a merit in which to provide protection to women and children who are victims of violence. P2TP2A DKI Jakarta has provided adequate services to women and children who are provided free of charge to DKI Jakarta residents. So far, P2TP2ADKI Jakarta has not had a significant impact on the quality and scope of services, thus still high cases of violence to women and children.

2 Literature Review

2.1 Legal Protection Theory

The theory of legal protection is that laws in society seek to bring together various groups in society and ensure that their interests are coordinated. Communities are in conflict, with some groups trying to protect their own interests while others are working to protect the interests of others [3]. Sajipto Raharjo argues that legal protection is intended to provide protection against human rights that harm others, and that this protection is given to the community so that they can enjoy all rights granted by law [3]. A legal protection provided to victims of crime requires several principles for balance, some of which are described as.

- 1) The principle of profitability is the basic principle of making the right decisions for either the victim or the perpetrator. A principle that governs whether something is good for someone or not.
- 2) A principle of justice where a principle that applies protection in a law is done absolutely without being interfered with or hindered by something. This principle is entitled to both victims and perpetrators.
- 3) A balanced principle in which it applies certainty in a legal protection to cover all human interests in law. This principle seeks to restore the rights of victims who have been deprived.
- 4) The principle of legal certainty in which a fair and equitable law is applied by state officials in the course of their duties.

2.2 Protection of Victims of the Criminal Act of Obscenity

It is important to recognize the needs of victims of sexual abuse, as they are more likely to experience various mental, physical and social problems. They often have difficulty defending themselves and are therefore more likely to be attacked [4]. The provision of protection to victims of abomination is mandatory because these abomination victims feel the name of failure and must bear the suffering physically and socially in the community.

Businesses in the protection of fraudulent acts are contained in Law No. 23 of 2002. Act No. 35 of 2014 jo. Government Regulation for Replacement of Law (Perppu) No. 1 Year 2016 On Child Protection that can be concluded as follows [5].

- a. "Every person is prohibited from discriminating against children, resulting in loss, both materially and spiritually, and thus hindering their social function; or article 76A"
- b. "Meeting children with disabilities discriminately under Article 76A paragraph (1)"
- c. "Every person is prohibited from placing, allowing, engaging, instructing to involve children in wrongful treatment and abandonment situations. Regulated in Article 76B paragraph (2)"
- d. "Every person is prohibited from putting, letting, committing, or participating in child abuse. Regulated in Article 76C.

- e. "Every person is prohibited from committing violence or threatening violence to force a child to commit sexual immorality with him or anyone else. Set out in article 76D"
- f. "Every person is forbidden to commit violence or threats of violence, to force, commit deceit, to commit a series of lies, or to persuade a child to commit or allow to commit a crime. Regulated in Article 76E"
- g. "Every person is prohibited from placing, letting, committing, ordering, or participating in child abduction, sales, and/or trafficking. Regulated in Article 76G"
- h. "Every person shall be prohibited from recruiting or using the child for military and/or other purposes and leave the child without soul protection. Prescribed in Article 76H"
- i. "Every person is prohibited from placing, allowing, committing, committing, or participating in economic and/or sexual exploitation of children.
- j. "Every person is prohibited from deliberately placing, letting, engaging, instructing to involve a child in abuse, as well as the production and distribution of narcotics and/or psychotropic substances. Regulated in Pasadena.al 76Jesus (1)"
- k. "Every person shall be prohibited from deliberately placing, allowing, engaging, instructing to involve the child in abuse, as well as the production and distribution of alcohol and other addictive substances.al 76 Jesus (2)"

Every country should prioritize child welfare, because they are an important asset to the future. The level of protection for children is the same as the level of protection for adults, since children are given the same level of protection for adults. grant legal rights. So because of this, the state and society will be collaborative for the child and share in the community. The use of the Child Penal Code provides sufficient protection, so that the successor generation of a country is able to be strong in the use of the Child Penal Code life is getting harder in the future.

2.3 Types of Types of Obscenity

Obscenity there are several types of obscenity, namely [6]:

a) Sadictic Rape

Sadictic acts of obscenity, which is where sexuality type obscenity which can damage and even have sex in a way that is cruel enough to make the victim a prolonged trauma.

b) Angea rape

Acts where committing sexual abuse to unleash anger in a restrained self can be a burden of life that is so heavy that it seeks the fantasy of the object to vent anger.

c) Donation rape

An act carried out by the perpetrator who feels that he is mature and the strongest among the victims. The goal is sexual conquest in which the perpetrator hurts the victim with threats so that the victim does not say what the perpetrator has done.

d) Seductive rape

Obscenity that when there is an opportunity in a situation of stimulating situation that both parties cause. Which initially the victim agrees to closer intimacy but must have boundaries so that there must be no misery. The perpetrators initially have a good affinity for the victim and are very confident that the victim will be willing to follow the will of the perpetrator.

The way people view obscenity/obscenely affects how much information they know about obscenity, so they are more likely to report obscene acts to the police. And on the other hand, the police are not that obscene, because they do not meet the legal elements of the law, in article 289 of the Criminal Code.

3 Method

The type of method used in this research is descriptive qualitative is where a research procedure in producing descriptive data. A word in written or spoken form obtained from a reliable source regardless of its wholeness.

4 Results and Discussion

Crimes in the criminal act of obscenity are sexual crimes and are very unfortunate which has been happening for a long time in society. And often the victims are people who are very familiar with [6].

Acts that vent sexual appetite to a woman by violating the rules of applicable legal rules and also moral norms that exist in society “Article 289 of the Criminal Code is in the environment of sexual lust, for example”:

- e) “A man forcefully pulls a woman’s hand and touches it on her genitals”.
- f) “A man tasseled the body of a female daughter and then unbuttoned the child’s shirt to be able to stroke her and kiss her. The perpetrator does this to satisfy his sexual appetite”

Hart Rossi defines sexual abuse as an act that involves an adult as the perpetrator, but violence can also occur “When a child is used as an object of sexual gratification”. Parental responsibilities” [7]. Sexual harassment is unwanted sex-related behavior, including requests for sex and other behaviors that are verbally or physically related to sex. Sexual harassment can happen anywhere, whether in public or private places. Obscenity can also be referred to as an act that violates the precepts of decency in which the wrong lust is committed by a man to a child either a girl or a boy. The act of obscenity also has a legal basis regulated in “Articles 287 and 288 of the Criminal Code”, as follows: “Article 287 Subsect. (1): Whoever has intercourse with a woman who is not his wife, when it is known to him or should be presumed that the woman’s age is not yet fifteen years, or if it is generally not clear, that it is not yet time to be married, shall be punished with imprisonment for not more than nine years”.

1. What is the role of the P2TP2A institution for children who are victims of criminal obscenity?

Legal protection of children who are victims has been regulated in Law Number 35 of 2014 concerning child protection. A child is entitled to human rights and is given protection from all forms of violence. “Sajipto Raharjo argues that legal protection is intended to provide protection against human rights that harm others, and this protection is given to the people so that they can enjoy all the rights granted by law” [3].

If we look at the recent developments during the covid-19 pandemic, there is a lot of violence that shows children as objects of criminality, but is now starting to enter as the subject of crime itself. The child is a grace given by the Almighty as a entrustment that must be taken care of, and the child is from the forerunner of the successor of a new generation in the future. As a wise country, it should protect and protect children from all evils that threaten the future of children. “Then in the sense of children based on the 1945 Constitution, the definition of children is contained in article 34 which reads “poor people and abandoned children are kept by the state” this means that children are subjects of national laws that must be protected, nurtured and fostered to achieve the welfare of children, in other words, children are the responsibility of the government and society”.

Criminal is “*strafbaar feit*” The Criminal Code is not an explanation for what happened to the *strafbaar feit* itself. Criminal behavior is usually synonymous with committing an offense derived from the Latin word *dectrum*. The term crime denotes an understanding of a person’s behavior and body movements. There are things that a person should not do but by not doing it he has broken the law [8]. Criminal is “*strafbaar feit*” The Criminal Code is not an explanation for what happened to the *strafbaar feit* itself. Criminal behavior is usually synonymous with committing an offense derived from the Latin word *dectrum*. The term crime denotes an understanding of a person’s behavior and body movements. There are things that a person should not do but by not doing it he has broken the law [8]. The P2TP2A DKI Jakarta institution has provided a service that can be accessed by all residents of DKI Jakarta who have experienced violence against both women and children.

- a) Services in mentoring and legal assistance
- b) Psychological Assistance
- c) Service healty
- d) Rumah aman

P2TP2A DKI Jakarta was inaugurated with a kindness in it which was to provide protection to women and children who were victims of violence. P2TP2A DKI Jakarta has provided adequate services to women and children which are provided free of charge to the residents of DKI Jakarta. So far, P2TP2A DKI Jakarta has not had a significant impact on the quality and scope of services so that there are still high cases of violence against women and children.

2. What are the factors that influence the protection process for children who are victims of criminal acts of obscenity?

What we know is that children are a group that really needs protection from adults and children must also get their rights. The child cannot get his rights if we as adults do not take part in helping the child’s development [5].

It is important to be aware of the needs of the victims of sexual abuse, since they are more likely to experience various mental, physical and social problems. They often have difficulty defending themselves and are therefore more likely to be attacked. Providing protection to victims of obscenity is mandatory because these victims of obscenity feel the name of failure and have to endure physical and social suffering in society. Efforts in the protection of obscenity are contained in Law Number 23 of 2002 jo. Law Number 35 of 2014 jo. Government Regulation in Lieu of Law (Perppu) Number 1 of 2016 concerning Child Protection which can be concluded as follows [5]. In the process of fulfilling the legal right to protection of the victimized child, there are several things, namely:

- 1) Obstacles in terms of proving the case because it occurred in a closed place, causing less witnesses in the case
- 2) Usually the child who is the victim is less open with others because the child feels threatened and frightened and this can make it difficult to give information
- 3) The period of time it occurs and the reporting of cases is usually with a long period of time, causing less than optimal visum
- 4) When the victim reports, there will be a negative stigma from the environment that makes the child mentally frightened
- 5) There are still many who do not know the applicable regulations and institutions that specialize in providing assistance

5 Conclusion

P2TP2A has provided maximum protection to children victims of obscenity crimes that can be accessed at any time and free of charge in accordance with Law Number 35 of 2014 concerning Child Protection. The form of protection efforts, of course, has many factors that affect the protection that will be provided, one of which is the obstacles from the family itself, which is very rare to report the case because of fear of negative stigma from the living environment. This is how the role of institutions must be properly disseminated to the community about the importance of maintaining and protecting the rights of children.

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