



Fulfillment of Constitutional Rights for Child Victims of Sexual Violence in Batang Regency

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ABSTRACT

In 2022, there were 16 children victims of child sexual violence in Batang Regency, while in 2023 the number of child victims of sexual violence reached 50 victims. The government is responsible for providing security and welfare for every child victim of sexual violence based on Article 28 B paragraph (2) of the 1945 Constitution of the Republic of Indonesia. This paper is empirical legal research using a qualitative approach. The results of the research found that the fulfillment of the constitutional rights of children victims of sexual violence in Batang Regency has not been implemented optimally, shown among other things by the lack of fulfillment of the rehabilitation rights that should be obtained by children victims of sexual violence, as well as the legal culture of the people of Batang Regency which is still low in protecting children victims of violence. sexual. Children who do not receive rehabilitation and children who are victims but whose cases are not reported have the potential to have personality disorders due to trauma and psychological shock.

Keywords: child victims of sexual violence; constitutional rights; law enforcement

Abstrak

Korban kekerasan seksual anak di Kabupaten Batang pada tahun 2022 terdapat 16 anak, sedangkan di tahun 2023 jumlah anak korban kekerasan seksual mencapai 50 korban. Pemerintah bertanggungjawab untuk memberikan keamanan dan kesejahteraan bagi setiap anak korban kekerasan seksual berdasarkan Pasal 28 B ayat (2) UUD NRI 1945. Paper ini merupakan penelitian hukum empiris dengan menggunakan pendekatan kualitatif. Data berupa data primer yang diperoleh dengan teknik observasi lapangan dan wawancara kepada Dinas Perlindungan Anak Dan Perempuan Kabupaten Batang. Hasil penelitian menemukan bahwa pemenuhan hak konstitusional anak korban kekerasan seksual di Kabupaten Batang belum terlaksana secara maksimal, ditunjukkan di antaranya oleh belum terpenuhinya hak rehabilitasi yang seharusnya didapatkan oleh anak korban kekerasan seksual, serta budaya hukum masyarakat Kabupaten Batang yang masih rendah untuk melindungi anak korban kekerasan seksual. Anak yang tidak mendapatkan rehabilitasi serta anak yang menjadi korban akan tetapi kasusnya tidak dilaporkan berpotensi memiliki gangguan kepribadian akibat trauma dan guncangan psikologis.

Kata Kunci: anak korban kekerasan seksual; hak konstitusional; penegakkan hukum

Introduction

Sexual violence against children is a phenomenon that still frequently occurs today, one of which is in Batang Regency. This is aimed at the high number of cases of sexual violence in Central Java Province, one of which is in Batang Regency. In 2021, the number of victims of sexual violence against children was only 14 recorded in the DP3AP2KB, and in 2022 there was an increase in the number of victims of sexual violence against children, totaling 16 victims, in 2023 from January to October the victims were recorded totaling 50 children. When compared with other cities or districts, the number of victims of child sexual violence in Batang Regency is 50 cases, Semarang City has 170 cases, Pekalongan City has 15 cases, Pemalang has 27 cases, Tegal has had 16 cases and Kendal has had 45 cases. ¹The state has the responsibility to provide the security and welfare of a child constitutionally, namely that children have been protected and written in the 1945 Constitution. Based on Article 28 B paragraph (2) it regulates that: The right to survive, grow and develop and have the right to protection from violence and discrimination. ²The rules regarding the protection of Indonesian children have been established through the Child Protection Law Number 35 of 2014. Protection for children is all activities in protecting and protecting children and their rights so that they can live, develop and participate optimally in accordance with human dignity and dignity. , also obtain protection from violence and discrimination.³

The obligation that the government and state have to protect children's rights already exists and is regulated in the Child Protection Law No. 35 of 2014 in article 20 which states "The state, government, regional government, community, family and

¹ Population Control and Family Planning Department of Women's Empowerment, Child Protection, "CENTRAL JAVA PROVINCE WOMEN & CHILD VIOLENCE DATA 2018-2022 (up to FEBRUARY)," 2022, <https://dp3a.semarangkota.go.id/>.

² Muhammad Fachri Said, "Legal Protection of Children from a Human Rights Perspective," *JCH (Journal of Legal Scholars)* 4, no. 1 (2018): 141–52.

³ Government of Indonesia, "FUNDAMENTAL LAW OF THE REPUBLIC OF INDONESIA 1945" (1945), <https://webcache.googleusercontent.com/search?q=cache:BDsuQOHoCi4J:https://media.neliti.com/media/publications/9138-ID-legal-protection-of-children-from-harmful-content-in-print-and-electronic-media.pdf+&cd=3&hl=en&ct=clnk&gl=en>.

parents or guardians are obliged and responsible on the implementation of child protection”.

So when a child is tried and faces the law, the state also has an obligation to protect and guarantee the child's rights constitutionally. The main principle is siding with victims and must be resolved legally and data on child victims of sexual violence is only obtained from data that has been submitted to court, because the object of this research focuses only on child victims of sexual violence, so the approach used must be resolved through law. Because the main principle of using the TPKS Law is taking sides with victims. Article 59 of the Child Protection Law Number 35 of 2014 states that the government, state government and other state institutions have an obligation and can be responsible for providing special protection for children. ⁴The special protection for children in question is children who have legal problems, children who experience financial and/or sexual exploitation, children who are victims of narcotics, alcohol, psychotropic substances and other addictive substances, children who are victims of pornography, children who are victims of physical and/or psychological violence, children victims of sexual crimes, deviant social behavior and others. Appropriate special protection, such as treatment, rapid recovery and/or rehabilitation whether physical, psychological, social or to prevent disease and other health problems, psychosocial support during the recovery period, provides protection and support in every legal process.⁵

However, often children who are faced with a legal case end up losing their rights. ⁶From these regulations, it is clear that the Indonesian state has made regulations that

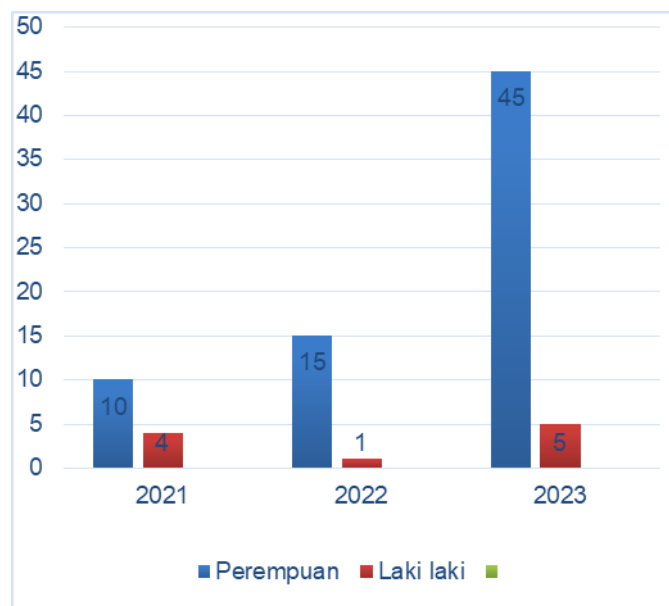
⁴ Republic of Indonesia Ministry of State Secretary, "Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection," *Child Protection Law*, 2014, 48, <https://peraturan.bpk.go.id/Home/Details/38723/uu-no-35-year-2014>.

⁵ Barda Nawawi Arief, "Reformulation Policy on the Threat of the Death Penalty for Corruption Crimes in Legislation," *Legal Issues* 42, no. 1 (2013): 23–33.

⁶ Iqbal Kamalludin, "Restoration of Pancasila Values Against Criminal Law Reform Strategy in Indonesia Political Perspective of Islamic Law," *Syariah: Journal of Law and Thought* 22, no. 1 (2022): 31–47.

are more adequate for stability when related to the questions of why so far many children's constitutional rights have been neglected. ⁷Likewise with the condition of children in Batang Regency when compared with cases of sexual abuse of children in other areas, children who are victims of sexual violence in Batang Regency do not receive the rights as stated in the regulations.

Data Diagram of Child Sexual Violence Cases in Batang Regency



Source: DP3AP2KB Batang Regency 2021-2023 (Until October)⁸

The large number of cases of sexual violence against children in Batang Regency makes people afraid and feel uncomfortable in living in society. This results in a safe and peaceful atmosphere not being felt in the surrounding environment. Sexual violence is an act that harms other people because sexual violence is a form of violation of social and legal norms. Cases of sexual abuse occurred almost serially among children in the period 2022 - 2023 in Batang Regency, Central Java, so this could have caused trauma to the victim and the victim's parents.

The number of victims of child sexual violence continues to increase from year to year, making Batang district an emergency city for child protection. In 2022 there will be

⁷ Atika Zahra Nurmalayanti, "LEGAL AID FOR CHILDREN IN CONFLICT WITH THE LAW AS AN MEASURE TO PROTECT CHILDREN'S CONSTITUTIONAL RIGHTS," *SOLID* 11, no. 2 (2021).

⁸ Interview with Mrs. Utari, Head of PP and PA at DP3AP2KB Kab. Batang, January 12 2023 at the DP3AP2KB District Office. Stem

16 children recorded in P2TP2A Batang Regency, while in 2023 the number of child victims of sexual violence will reach 50 recorded victims. This is an extraordinary number.

Many cases of sexual violence against children are carried out by those closest to them. It is very important to educate about reproduction or prevent immoral acts against teachers, friends and outsiders. Not only from family but also from the surrounding environment. Because the perpetrators of harassment usually come from people closest to them.⁹

The initial case in 2023 that occurred in Batang Regency occurred in January and was carried out by a tambourine trainer with the initials M, 28 years old, from North Proyonanggan, Batang District, Batang Regency, whose victims were 5 men and 5 women.¹⁰The second similar case occurred in January in Keputon Village, Blado District, Batang Regency, carried out by a Koran teacher with the initials A, aged 48 years, the victims were 1 woman. In May, there was a shocking case in Batang Regency because the case occurred in one of the Islamic boarding schools, which was carried out by the administrator of the Islamic boarding school with the initials W. The Islamic boarding school is located in Wonosegoro Village, Bandar District, Batang Regency, where the number of victims reached 22 students. The second case in May occurred at one of the Islamic boarding schools in Kedungmalang Village, Wonotunggal District, Batang Regency, which was carried out by the Islamic boarding school administrator with the initials A. The number of victims was 13 female Islamic boarding school students. Finally, in July, this happened again at one of the Islamic boarding schools located in Bandar

⁹ C Choalensia and DH Heriyando, "Analysis of Vulnerability Between the Relationship between Perpetrators and Victims of Sexual Violence against Children in a Human Rights Perspective," *Das Sollen: Journal of Studies...* , 2022, <https://journal.forikami.com/index.php/dassollen/article/ views/38>.

¹⁰Interview with Mrs. Utari, Head of PP and PA at DP3AP2KB Kab. Batang, January 12 2023 at the DP3AP2KB District Office. Stem

District, Batang Regency, which was carried out by one of the religious teachers, with the number of victims reaching 4 female students.

Even the Governor of Central Java, Ganjar Pranowo, said that the number of cases of sexual abuse of minors in Batang Regency was like the explosion of an iceberg that was getting bigger and apparently today there were again at one of the Bandar Islamic Boarding Schools.¹¹The case that occurred in one of the cottages in Batang Regency can be said to be the case with the highest number of child victims, up to 26 victims who have reported it, in fact there are still many victims who do not report the incident to the authorities, because some are embarrassed and afraid to report it. . This incident was very sad and caused pity for the mental health of the girls who were victims. Even in the case of child sexual violence in Batang Regency, KPAI (Indonesian Child Protection Commission) intervened in handling the case.¹²

KPAI also appealed to the public, especially the people of Batang Regency, not to hesitate to report to the police if a similar case was found in their area. The victim's condition is currently being provided with trauma healing assistance by the Women's Empowerment, Child Protection, Education and Family Planning Control Service (DP3AP2KB) as well as the Central Java Police Psychologist Team and various mass organizations are also involved in assisting the victim.¹³KPAI also invites all parties to jointly participate in monitoring this case so that similar incidents do not occur in the future. Problems involving children's rights are important problems because if the rights of children are not fulfilled, it will have an impact on the future of the country.

Research Methods

¹¹ MNC Hafshah, *Social Actor Representation Analysis of HW in Sexual Violence Case on YouTube News Reports* (etheses.uin-malang.ac.id, 2023), <http://etheses.uin-malang.ac.id/51627/>.

¹² A Fajarwatiningtyas and M Ishaq, "Dress Code Program as a Form of Sexual Education for Early Childhoods," *6th International Conference on...*, 2020, <https://www.atlantispress.com/proceedings/icet-20/125947583>.

¹³ Interview with Mrs. Utari, Head of PP and PA at DP3AP2KB Kab. Batang, January 12 2023 at the DP3AP2KB Kab. Stem

This type of research is classified as empirical juridical research, where the problems faced are examined directly in this research.¹⁴The subjects in this research provided data directly for the purposes of carrying out this research. This research uses a qualitative approach, with primary data produced through observation, focused discussions, and direct interviews regarding the Fulfillment of Constitutional Rights for Child Victims of Sexual Violence in Batang Regency, namely by interviewing the head of the Batang Regency DP3AP2KB, the Head of the Criminal Investigation Unit of the Batang Police, the Head of the Pelangi Nusa NGO. Meanwhile, secondary data in this research comes from legal materials in the form of the 1945 Constitution of the Republic of Indonesia, Child Protection Law Number 35 of 2014, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, and Batang Regency Regional Regulation Number 11 of 2019 concerning the Implementation of Child Protection and is also sourced from from the news, internet, journals and literature which discuss the Fulfillment of Constitutional Rights for Child Victims of Sexual Violence in Batang Regency.

Results and Discussion

1. Fulfillment of the Constitutional Rights of Children Victims of Sexual Violence in Batang Regency

Children's rights are based on the Indonesian constitution which has been written in the 1945 Constitution article 28B (2) "Every child has the right to survival, growth and development and the right to protection from violence and discrimination." Internationally, the definition of a child is written in the 1989 United Nations Convention on the Rights of the Child.¹⁵ In Article 1 of the Convention on the Rights of the Child, it is stated that if a child is any human being under the age of eighteen years, except under the law that applies to children, maturity is reached

¹⁴ B Bachtiar, *Legal Research Methods* (Tangerang: Unpam Press, 2019).

¹⁵ Government of Indonesia, BASIC LAW OF THE REPUBLIC OF INDONESIA 1945.

earlier. So the constitutional rights of children are that if a child has a legal case then the state will provide protection for that child.

Children's rights require the role of society, whether through institutions, child protection, religious institutions, non-governmental organizations, mass media or even educational institutions. It can be concluded that the fulfillment of children's constitutional rights are rights that must be fulfilled by the state for children who are victims. Likewise with the condition of children who are victims of sexual violence in Batang Regency whose rights must be fulfilled by the state. The constitutional rights of children in Law Number 35 of 2014 concerning Child Protection include Article 1 paragraph 12. Children's rights are part of human rights which must be guaranteed, protected and fulfilled by parents, families, communities, the state, the government and the government. area. Article 6 every child has the right to worship according to his religion, think and express himself according to his level of intelligence and age under the guidance of his parents or guardians.¹⁶

Article 11 paragraph 1a every child has the right to receive protection in an educational unit from sexual crimes and violence committed by educators, educational staff, fellow students, and/or other parties. Article 15 Every child has the right to receive protection from: abuse in political activities, involvement in armed conflict, involvement in social unrest, involvement in events containing elements of violence, involvement in war and sexual crimes. Article 20 The state, government, regional government, community, family, and parents or guardians are obliged and responsible for implementing child protection.

Article 59 The government, regional government and other state institutions are obliged and responsible to provide special protection to children: children in emergency situations, children in conflict with the law, children who are exploited economically and/or sexually, children who are victims of sexual crimes

Article 59A special protection for children as intended in Article 59 paragraph (1) is carried out through efforts: rapid treatment, including physical, psychological

¹⁶ KRISTI DWI UTAMI, "Series Cases in Batang and Milestones in Educational Evaluation in Central Java," nd, <https://www.kompas.id/baca/nusantara/2023/04/14/kekerasan-sexual-di-batang-dan-tonggak-evaluate-implementation-of-Islamic-boarding-schools>.

and social treatment and/or rehabilitation, as well as prevention of disease and other health disorders, psychosocial assistance during treatment to recovery, providing protection and assistance in every judicial process.

Article 69A special protection for child victims of sexual crimes as intended in Article 59 paragraph (2) letter j is carried out through efforts: education about reproductive health, religious values and moral values, social rehabilitation, psychosocial assistance during treatment until recovery, providing protection and assistance at every level of examination starting from investigation, prosecution, to examination in court.

Meanwhile, children's rights in Batang Regency Regional Regulation Number 11 of 2019 concerning the Implementation of Child Protection, among others, in Article 1 paragraph 12, children's rights are part of human rights which must be guaranteed, protected and fulfilled by parents, family, community, state, government, and local government. Article 6 every child has the right to worship according to his religion, think and express himself according to his level of intelligence and age under the guidance of his parents or guardians.¹⁷ Article 11 paragraph 1a every child has the right to receive protection in an educational unit from sexual crimes and violence committed by educators, educational staff, fellow students, and/or other parties. Article 15 Every child has the right to receive protection from: abuse in political activities, involvement in armed conflict, involvement in social unrest, involvement in events containing elements of violence, involvement in war and sexual crimes. Article 20 The state, government, regional government, community, family, and parents or guardians are obliged and responsible for implementing child protection. Article 59 The government, regional government and other state institutions are obliged and responsible to provide

¹⁷ Rifky Taufiq Fardian and Meilanny Budiarti Santoso, "Fulfillment of the Rights of Children Who Are in Conflict with the Law in Special Child Development Institutions (Lpka) Class II Bandung," *Collaborative Journal of Conflict Resolution* 2, no. 1 (2020): 7, <https://doi.org/10.24198/jkrk.v2i1.27043>.

special protection to children: children in emergency situations, children in conflict with the law, children who are exploited economically and/or sexually, children who are victims of sexual crimes

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The conditions for fulfilling children's constitutional rights in Batang district are currently not fully fulfilled. Law Number 35 of 2014 concerning Child Protection in article 59 explains that the government, regional government and other state institutions are obliged and responsible for providing special protection to children: children in emergency situations, children in conflict with the law, children who are exploited economically and/or sexually, children victims of sexual crimes. Children who are victims of sexual violence should receive special protection. The form of protection, especially in Article 59A, special protection for children as intended in Article 59 paragraph (1) is carried out through efforts: rapid treatment, including physical, psychological and social treatment and/or rehabilitation, as well as prevention of disease and other health problems, assistance psychosocial from treatment to recovery, providing protection and assistance during every judicial process.

¹⁸ Nurul Chaerani Nur and Asdar Djabar, "Legal Protection and Development of Correctional Students in Class IIB Biak Correctional Institutions Based on Law Number 12 of 1995 concerning Corrections," *Kyadiren Legal Science Journal* 2, no. November (2019): 64–77, <https://media.neliti.com/media/publications/300401-perlindungan-Hukum-dan-pembinaan-anak-dife712654.pdf>.

But in reality, in Batang Regency itself, the special protection rights of children who are victims of sexual violence to receive rehabilitation have not been fulfilled either by the relevant Child Protection Service or other related Services. Even though the Batang Regency Regional Regulation also states that child victims of sexual crimes have the right to receive rehabilitation, when interviewed by the head of the Women and Children Protection Division of Batang Regency, rehabilitation from their side has not been prepared due to the problem of not having enough workers in the rehabilitation sector, the right to rehabilitation is only given in cases This sexual violence has been handled by the Central Java Regional Police, while not all cases of child sexual violence in Batang Regency have been handled by the Central Java Regional Police .¹⁹

Factors causing the unfulfilled constitutional rights of children who are victims of sexual violence in Batan Regency g

The theory of a welfare state is a state that seeks the welfare of the people. So the focus of the welfare state system is to create an institutional social protection system for every citizen as an illustration of citizen rights and state obligations. The main goal does not only lie in implementing the law alone, but also achieving social justice (*social gerechtigheid*) for all people. Indonesia is a welfare state, this can be seen in the opening paragraph 4 of the 1945 Constitution of the Republic of Indonesia.²⁰

Broadly speaking, the welfare state contains at least 3 (three) meanings, one of which is as follows: As a condition of well-being, social welfare, Social Welfare is a condition where the material, spiritual and social needs of citizens are met so that

¹⁹ Interview with Mrs. Utari as Head of PP and PA Division at DP3AP2KB Kab. Batang, September 4 2023 at the DP3AP2KB District Office. Stem.

²⁰ I Hermawati and A Sofian, "Sexual Violence by Children Against Children," *Journal of Welfare Research...* , 2018, <http://ejournal.kemensos.go.id/index.php/jpks/article/view/1223>.

can live a decent life and be able to develop themselves, so that they can carry out their social functions (Law No. 11 of 2009 concerning Social Welfare, 2009).

Regarding social welfare, the main problem for children is the lack of attention to children's basic rights such as health, safety and education. Children's welfare will be created if they treat children well. The purpose of being treated well here is to fulfill all basic needs and rights.²¹ Not only that, children can also develop themselves in their social environment. In Indonesia itself, there are still many children who are far from prosperous. There are still many legal cases involving children, one of which is a child who is a victim of sexual abuse even though there is already a law that clearly regulates this matter.

The factors that cause the constitutional rights of children who are victims of sexual violence in Batang district to not be fulfilled consist of five factors. First, the legal factor (legislation), which in this study is defined in a material sense as written regulations that apply in general and are made by legitimate central and regional authorities. Laws in the material sense include central regulations that apply to all citizens or all only certain groups or generally apply in some parts of the country, and local regulations that only apply to the public in a certain place or area.²²

Regarding the enactment of the law, there are several principles whose aim is to ensure that the law has a positive impact. These principles include that the law does not apply retroactively. This means that the law may only be applied to events that are stated in the law and occur after the law is declared effective; Laws are made by high authorities and have a higher position; Laws of a specific nature override laws of a general nature if the author is the same; Laws that came into force later, cancel laws that came into effect earlier; The law is inviolable; and Laws are a means

²¹ Choalensia and Heriyando, "Analysis of Vulnerability Between the Relationship between Perpetrators and Victims of Sexual Violence against Children from a Human Rights Perspective."

²² Robyn Brunton and Rachel Dryer, "Sexual Violence and Australian Women: A Longitudinal Analysis of Psychosocial and Behavioral Outcomes," *Social Science & Medicine* 292 (2022): 114334, <https://doi.org/https://doi.org/10.1016/j.socscimed.2021.114334>.

of achieving spiritual and material prosperity for society and individuals through preservation and renewal (innovation).²³

Another problem encountered in the law is that there are various laws that do not yet have implementing regulations even though the law is instructed to do so. The absence of implementing regulations will disrupt the harmony between order and peace. Another problem that may arise in the law is the lack of clarity in the words used in the formulation of the articles. It is possible that this is due to the use of words whose meanings can be interpreted very broadly or due to inaccurate foreign language translations.

Thus, it can be concluded that disturbances/obstacles to law enforcement originating from laws are caused by non-following of the principles of law enforcement; There are no implementing regulations that are really needed to enact laws; The unclear meaning of the words in the law has resulted in confusion in its interpretation and application.

The two law enforcement factors, sociologically, each law enforcer has a position (status) and role (role). (Social) position is a certain position in the social structure which may be high, medium or low. This position is actually a container which contains certain rights and obligations. A role can be described into elements including the ideal role; proper role; Self-perceived role ; and the actual role played. A law enforcer, like other members of society, has a position and role at the same time. Thus, it is not impossible that conflicts arise between various positions and roles (status conflict and conflict of roles). ²⁴If in reality there is a gap between the role that should be played and the role that is actually carried out or the actual role

²³ Narvedha Andriyana, "Pattern of Development of Correctional Students at the Kutoarjo Class I Special Development Institution," *Journal of Legal Communication (JKH) Ganesh Education University* 6, no. 2 (2020): 592–99.

²⁴ Ramadani Saputra Halawa, "Criminal Law Policy in the Legal Protection of Victims of Verbal Sexual Harassment," *JOM Faculty of Law, University of Riau* VII, no. 31 (2020): 1–12.

then there will be a role gap. The discussion regarding law enforcement is actually more focused on discretion.

Law enforcers are a role model in society who should have certain abilities, in accordance with community aspirations. Therefore, this group of role models must be able to choose the right time and environment in introducing new norms or legal rules, as well as providing a good example. The obstacles encountered in implementing the role models or law enforcers should play come from themselves or the environment.

Third, facilities and infrastructure factors play an important role in the process of fulfilling children's constitutional rights. This is because without certain facilities and infrastructure it is impossible for the fulfillment of children's constitutional rights to take place smoothly. These facilities and infrastructure include educated and skilled human resources, good organization, adequate equipment, sufficient finances, and so on. If these things are not fulfilled then it is certain that the law enforcement efforts that will be carried out will be in vain. However, if on the contrary the things described above can be fulfilled then the law enforcement efforts initiated by the government will be achieved as effectively and efficiently as possible.

Thus, it can be concluded that facilities and infrastructure have a very important role in fulfilling children's rights. Without these facilities and infrastructure, it is impossible in the law enforcement process to fulfill children's constitutional rights to harmonize their proper role with their actual role. Specifically for these facilities and infrastructure, it should adhere to a way of thinking, including that which does not exist can be made right, what is damaged or wrong can be repaired or corrected, what is lacking can be added, what is stuck can be smoothed out, and what is backward or deteriorating can be brought forward or improved.

Fourth is the community factor.²⁵ Law enforcement to fulfill children's rights also comes from society, and has the aim of achieving peace in society. Therefore,

²⁵ Soerjono Soekanto, *Factors that Influence Law Enforcement* (Jakarta: Raja Grafindo, 2004).

society is considered to be able to influence the fulfillment of children's constitutional rights. Crime comes from society and the sanctions are also for people who commit crimes, society and law are like two words that will always go together because only humans can commit crimes and society is also the one who knows what actions are prohibited by law, therefore society is the deciding factor. from law enforcement.²⁶

Indonesian society in particular has certain opinions regarding law. First of all, there are various definitions or meanings given to law, variations of which include law being defined as science; law is defined as discipline, namely a system of teachings about reality; Law is defined as norms or rules, namely standards of behavior that are appropriate to be expected; Law is defined as a legal system (i.e. written positive law); Law is defined as officers or officials. Law enforcement is not an independent activity but has a close reciprocal relationship with society. To achieve peace there must be obedience from society and this obedience is determined by legal awareness. Legal awareness is the values contained within humans about existing laws or about laws that are expected to exist. In carrying out law enforcement, apart from the legal awareness factor, the community needs to pay attention to the cultural values of the local community.²⁷

Satjipto Rahardjo gave a review "..... what someone does is a reaction to actions carried out by other people" this relates to law enforcers carrying out actual roles that are not desired by society, for example the use of violence. However, it is necessary to investigate whether the violence originates from law enforcement itself or is a result of the environment. ²⁸The use of violence must be prevented

²⁶ CB Gisella, "Law Enforcement of the Human Rights of Children as Victims of Immoral Crimes Linked to Law Number 35 of 2014...", *Das Sollen: Journal of Contemporary Legal Studies...* , 2023, <https://journal.forikami.com/index.php/dassollen/article/view/262>.

²⁷ Iqbal Kamalludin et al., "Sexual Violence and the Politics of Criminal Law in Indonesia: A Gender Equality Approach and Maqāsid Al-Sharī'a," *Asy-Syir'ah: Journal of Sharia and Legal Sciences* 57, no. 1 (2023): 51–81.

²⁸ Iqbal Kamalludin et al., "Legal Politics in LGBT Criminal Law Policy," *Cita Hukum* 6, no. 2 (2018): 317–42, <https://doi.org/10.15408/jch.v6i2.7805> Abstract.

because it can give a wrong picture about the law being synonymous with law enforcement. This is where the problem of community factors lies in relation to law enforcement. The public's assumption that the law is synonymous with law enforcers (or vice versa) results in excessive expectations being placed on the actual role of law enforcers.²⁹

Fifth, cultural factors are actually one with society, but in the discussion the issue of the value system which is the core of spiritual or non-material culture is raised. Legal culture (system) basically includes the values that underlie the applicable laws, values which are abstract conceptions regarding what should be considered good (so it is adhered to) and what is considered bad (so it is avoided). These values are a pair of values that reflect two extreme conditions that must be harmonized.

Cultural shifts in society have eroded society's awareness that humans are truly perfect creatures. Culture which is becoming more modern day by day cannot be avoided. Society and culture are two things that are side by side because society as a follower of culture and culture continues to change due to developments that cause humans to lose their identity. Law enforcement cannot be separated from society, culture, society, and legal rules that apply in human life.

In the midst of social life there are laws, norms, ethics, manners and values that must be respected, but these have begun to be eroded from human life, everything has been bumped into without being able to differentiate between good and bad, just as society and law greatly influence the environment. around, if the surrounding environment gathers bad people, that environment will naturally become evil, because the biggest influence in the development of crime is the surrounding environment, if the surrounding environment is good then the people around it will be good.³⁰

²⁹ Yunas Derta Luluardi et al., "Gender Equality-Based Anti-Sexual Violence Islamic Boarding School at Ribatul Muta'alimin Islamic Boarding School, Pekalongan City," *Islamic Studies Journal for Social Transformation*, 2023, 110–23.

³⁰ Kamalludin et al., "Sexual Violence and the Politics of Criminal Law in Indonesia: A Gender Equality Approach and Maqāsid Al-Sharī'a."

So that law enforcement can run well, to overcome these crimes, criminal law as one of the regulations takes part in overcoming crime. The way to do this is by taking action against perpetrators who violate the rules that exist in society so that the criminal objectives applied to these violators are in accordance with their actions.

Efforts made to fulfill children's constitutional rights in Batang Regency

A welfare state is a state that strives for the welfare of the people. So the focus of the welfare state system is to create an institutional social protection system for every citizen as an illustration of citizen rights and state obligations. The state has obligations regarding 3 (three) things. First, namely the obligation to protect, which requires the state and all institutions and their apparatus to make policies and/or take adequate action to protect the rights of individuals and groups from violations, including efforts to prevent them.

Second, the obligation to fulfill (to fulfill) which in this case requires the state and all institutions and their apparatus to make policies and/or take adequate action to ensure that everyone obtains their rights and thirdly, the obligation to respect (to respect) which in this case is mandatory. to avoid acts of intervention or interference under any pretext to reduce or eliminate individual rights to exercise or enjoy their rights.

Efforts made to fulfill the constitutional rights of children victims of sexual violence in Batang district can be realized by maximizing 3 state obligations, namely: to protect, to fulfill, to respect.³¹To protect, the Batang district government in its efforts to protect the constitutional rights of children victims of sexual violence is by drafting a Regent's regulation (Raperbup) regarding the prevention and handling of acts of violence in

³¹ R Ayu, "Legal Protection for Persons with Mental Disabilities who are Victims of the Crime of Rape (Study at the Women's Empowerment Service, Protection...," 2019, <http://repository.umsu.ac.id/handle/123456789/1672>.

educational units in Batang Regency. This is the government's effort to fulfill the state's obligation, namely to protect because there are many cases of sexual harassment where the victims are children and occur in educational units.

If the perpetrator of sexual violence is committed by someone outside the school and is carried out outside the educational unit but the victim is a school child, there will be around 24 articles in the regional regulation that can be applied³². This is in accordance with the principle of to protect, namely that the government and all its institutions and apparatus are obliged to protect and make policies or take adequate action to protect the rights of child victims of sexual violence, including efforts to prevent it. Through the Raperbup, we can protect children who are victims of sexual violence so that the constitutional rights of children in the district are fully fulfilled.

To be full, the Batang Regency Government in fulfilling its obligations should be by preparing lawyers, doctors/consultants for children who are victims of sexual violence. This is in accordance with the principle of fulfillment, namely that the state has an obligation to ensure that victims receive adequate legal rights, fair trial rights, to take legislative, administrative, judicial and practical policy steps to ensure that the rights that are their obligations can be fulfilled to the maximum extent possible. . For example, every child who is in conflict with the law, whether he is a perpetrator or a victim, has the right to be accompanied in the reporting process, court, or recovery from the state after everything has been processed. Slowing down the granting of these rights has the potential for many children who are in conflict with the law to lose their rights.

The state is obliged to ensure a good legal system that provides sufficient judiciary, professional judges, and good decision execution mechanisms. The state also has an obligation to ensure the right to education to prepare an adequate education system. The right to health requires the state to provide good health and rehabilitation services. In the context of economic, social and cultural rights, there is an obligation to ensure

³² Hirida Rahmah and Iqbal Kamalludin, "Children and Terrorism: Sanctions and Legal Protection in the Indonesian Criminal Law System," *Al-Risala Journal* 18 (2018).

that progressive realization is implemented and the state is not allowed to take retrogressive policies in fulfilling them.³³

To respect, the Batang district government should provide adequate health services for every child victim of sexual violence, namely in the form of health services in terms of rehabilitation, this is in accordance with the principle of to respect, namely that the state has an obligation to respect the rights of others as well as protect, enforce and provide facilities. and infrastructure to advance the fulfillment of the rights of children who are victims of sexual violence. One of the ways is by providing adequate health facilities in terms of child rehabilitation.

However, in its implementation, this does not exist or is not even implemented. Children who are victims of sexual harassment do not receive these facilities, because the facilities provided by the government are still not fully fulfilled in respect. Everyone has the freedom guaranteed by the rule of law to do anything without hindrance from any party as long as it does not violate other people's rights and other people are also obliged to recognize and respect the rights exercised by the legal subject who owns the rights.³⁴

In an effort to fulfill respect for child victims of sexual violence in Batang district, the government is required to avoid intervention or interference under any pretext to reduce or eliminate individual rights to exercise or enjoy their rights.

Conclusion

The factors that cause the constitutional rights of children victims of sexual violence in Batang Regency to not be fulfilled optimally are because there are still

³³ S Rahardjo, *Progressive Law Enforcement* (Kompas Book Publishers, 2010), <https://books.google.co.id/books?id=f7EqH7E4x41C>.

³⁴ Khaeron Sirin, "Aspects of Punishment in Marriage Law (Analysis of Unregistered Marriages in Indonesia)," *Al-Risale: Forum for Legal and Social Studies* (State Islamic University (UIN) Sultan Thaha Saifuddin Jambi, 2018), <https://doi.org/10.30631/alrisilah.v12i01.432>.

children's rights that have not been fulfilled. Namely, one of them is that the fulfillment of the right to rehabilitation that should be obtained by child victims of sexual violence has not been achieved. And the legal culture of the people of Batang Regency is still low. So children who do not receive rehabilitation and children who are victims but whose cases are not reported can cause traumatic experiences as victims of sexual violence and can have an impact on psychological conditions which can lead to personality disorders.

Efforts that will be made by the relevant government are by collaborating with other related agencies so that the fulfillment of the constitutional rights of children who are victims of sexual violence in Batang Regency runs as it should .

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