

Child Protection Policy for Victims of Sexual Crimes

Nur Rahman^{1*} and Sarip²

^{1,2} Muhammadiyah University of Cirebon, Cirebon, Indonesia

*email: nur.rahman@umc.ac.id

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ABSTRACT

Keywords:
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The study aims to investigate the ideal policy in realizing child protection and identifying the steps taken by the regional government of Cirebon in responding to victims of sexual crimes. The normative judicial method was used to analyse the data collected on supporting factors and obstacles associated with victims of sexual crimes in Cirebon. The result showed that the government is still stuck in dealing with this occurrence. Therefore, the government needs to identify ways to deal with this problem..

1. INTRODUCTION

The National Commission of Child Protection (KPAI) reported that over the past three years, there have been numerous cases of sexually assaulted minors allegedly committed by close relatives. In 2015 and 2016, the commission reported exactly 218 and 120 cases, respectively. Furthermore, 116 cases were reported in 2017. Despite the yearly decline in statistics, cases of sexual violence are getting more intense, and children are the main targets. According to Utami, a representative of the National Commission of Child Protection, 3,700 cases of sexual violence against minors were reported in 2016, with an average of 15 occurrences emerging on a daily basis.¹

This is in accordance with the research conducted by Khadafi which stated that Cirebon is assumed to be an emergency site for sexual violated children in the past 2 years from May 2016 to 2018.² The emergency categories were recognized by a statistics that

¹ Penny Narulia Utami, "Pencegahan Kekerasan Terhadap Anak dalam Persepektif Atas Hak Rasa Aman di Nusatenggara Barat", *Jurnal Hak Asasi Manusia* 9, No. 1 (2018): 2. <http://dx.doi.org/10.30641/ham.2018.9.1-17>.

² Khadafi, "Cirebon Duduki Level Darurat Kekerasan Seksual Terhadap Anak", June 21, 2016, https://beritacenter.com/news-55059-cirebon-duduki-level-darurat-kekerasan-seksual-terhadap-anak.html?fb_comment_id=1126659834064676_1131877993542860. Ani Nunung Aryani, "Kabupaten Cirebon Masuk Darurat Kekerasan Seksual Anak", January 20, 2018, <https://www.pikiran-rakyat.com/jawa-barat/2017/07/20/kabupaten-cirebon-darurat-kekerasan-seksual-anak-405600>. Ahmad Imam Baehaqi, "WCC Mawar Balqis Nyatakan Cirebon Darurat Kekerasan Seksual", January 21, 2019, <https://jabar.tribunnews.com/2018/12/11/wcc-mawar-balqis-nyatakan-cirebon-darurat-kekerasan-seksual>.

showed an increase in child abuse with 30 cases reported in 2016, however 126 and 147 cases were recorded in 2017 and early 2018, respectively.³ Sexual violence is commonly triggered by several factors such as lack of reproductive health education, communication between parents and children. In accordance with a research conducted by Rianawati, sexual violence is of different types depending on the environment.⁴ It is induced by diverse causes, and this prompts the government to execute varied actions in curbing this menace.

Generally, all minors, and adults, are entitled to human rights, however, there parties that re-enact concrete steps towards the implementation of child protection is limited.⁵ The regulation of sanctions against the sexual molestation of children is basically contained in Article 287 paragraph (1) of the Criminal Code, which states that any individual that marries or has intercourse with a woman that is not yet 15 years of age needs to be sentenced to nine years imprisonment.⁶ Furthermore, Article 81 Paragraph (1) of Law No. 23 of 2002 in accordance with the protection of children, states that any person that intentionally commits or shows threats of violence by forcing a child to have sexual intercourse either with the individual or with another human needs to be sentenced to a minimum of 3 years and a maximum of 15 (fifteen) years imprisonment or pay a minimum or maximum fine of 60,000,000 (sixty million rupiah) and 300,000,000 (three hundred million rupiah) IDR respectively.

The legal rules are applied nationally due to the fact that they are considered as positive laws.⁷ Therefore, Law No. 35 of 2014 concerning child protection is substituted in accordance with Law No. 23 of 2002. Special policies are needed in handling child emergencies in Cirebon in order to avoid the castration of minors.⁸ Lutfiah stated that

³ Sudirman Wamad, "Sepanjang 2018, Tercatat 75 Kasus Kekerasan Seksual di Cirebon", <https://news.detik.com/berita-jawa-barat/d-4357142/sepanjang-2018-tercatat-75-kasus-kekerasan-seksual-di-cirebon>. August 1, 2019. In 2016, according to the Integrated Service Center for Empowering Women and Children (P2TP2A), Cirebon Regency, as of October 2016 there were 38 cases of violence, consisting of 31 cases of violence against children (KTA) under the age of 31 children and the rest occurred at the age of 18 years and up (KTP).

⁴ Rianawati, "Perlindungan Hukum Terhadap Kekerasan Pada Anak." Raheema, *Jurnal Studi Gener dan Anak* 2, No. 1 (2015): 1.

⁵ Irwan Safarudin Harahap, "Perlindungan Hukum Terhadap Anak Korban Kejahatan Seksual dalam Persepektif Hukum Progresif", *Jurnal Media Hukum* 23, No. 1 (2016): 38. DOI: 10.18196/jmh.2015.0066.37-47

⁶ Fitri Wahyuni, "Sanksi Pidana Pemerkosaan Terhadap Anak Menurut Hukum Pidana Positif dan Hukum Pidana Islam", *Jurnal Media Hukum* 23, No. 1 (2016): 96.

⁷ Sarip, Sarip, "Memaknai Delik dan Delik Tata Negara." *De Lega Lata Jurnal Ilmu Hukum* 4, No. 2 (July-December 2019): 191. Doi: <https://doi.org/10.30596/dll.v4i2.3128>, Darmawati H. and Anggi Angraeni, "Hubungan Hukum Islam Dengan Hukum Positif," *Sulesana Jurnal Wawasan Keislaman* 12, No. 1 (2018): 40. Doi: <https://doi.org/10.24252/sulesana.v12i1.5666>.

⁸ Sarip, Sarip, "Produk Hukum Pengkebirian Pemerintahan Desa", *Jurnal Hukum & Pembangunan* 49, No. 1 (January 2019): 60. Doi: <http://dx.doi.org/10.21143/jhp.vol49.no1.1910>.

the Bill on Anti Sexual Violence needs to be ratified immediately⁹ due to the fact that in Law No. 35 of 2014, the criminal code phrase violently weakens its law enforcement, conversely, the bill is not forcefully implemented because it tends to be subjected to the threat of punishment.¹⁰ On the contrary, the government issued Perpu No. 1 of 2016 pertaining to the second amendment of Law Number 23 of 2002 concerning child protection. In accordance with the description above, the problem under investigation in this study is how to envisage the ideal policy for realizing child protection and steps that need to be employed by the local government in responding to areas that are involved in the emergency situation of victims of sexual crimes.

2. RESEARCH METHODS

This study employed a normative juridical approach, starting with the enactment of the legislation and the examination of the various fields in order to obtain supporting factors and obstacles.¹¹ The data collection was conducted in two ways namely library and field researches conducted to acquire secondary and primary data respectively.¹² The secondary data was obtained by conducting an inventory and provision of regulations as well as literatures related to this research.

Additionally, other forms were also employed, such as library studies, review of scientific articles, researches conducted by scholars, document studies, including experimental papers and journals in accordance with the problem under investigation, namely the legal protection of victims (mostly children and women) of sexual crimes. The data was collected in its raw state, and this means that it needs to be processed. Data processing is the orderly representation and accumulation of results from the legal materials obtained in the field in order to make it ready for analysis".¹³ This procedure starts with examining the data correlatively that is identifying the relationship between the symptoms of one and the other, thereby arranging it systematically.

3. RESULTS AND DISCUSSION

⁹ Khadafi, "Cirebon Duduki Level Darurat Kekerasan Seksual Terhadap Anak", June 21, 2016, https://beritacenter.com/news-55059-cirebon-duduki-level-darurat-kekerasan-seksual-terhadap-anak.html?fb_comment_id=1126659834064676_1131877993542860.

¹⁰ The definition in the Article 1 bill that is intended to mean sexual violence is broadened to mean any dehumanizing, insulting, attacking, and / or other acts against the body, one's sexual desire, and / or reproductive functions, by force, contrary to one's will, which causes a person is not able to give consent in a free state, because of the imbalance of power relations and / or gender relations, which results or can result in physical, psychological, sexual, or physical suffering or misery, economic, social, cultural, and / or political harm.

¹¹ Soerjono Soekanto dan Sri Mamudji, *Penelitian Hukum Normatif Suatu Tinjauan Singkat*, (Jakarta: Rajawali Press, 1985): 17.

¹² Cucu Solihah et.al., *Pengarusutamaan Gender Dalam Pengembangan Sistem Pendayagunaan Zakat Melalui Modal Usaha Bergulir Di Desa Sindanglaka Kabupaten Cianjur*, *Jurnal Hukum & Pembangunan* 49, No. 2 (Januari 2019): 316.

¹³ Bambang Waluyo, *Penelitian Hukum dalam Praktek*, (Jakarta: Sinar Grafika, 1996): 72.

3.1. *Child Protection Policy: Between Achievement and Prestige*

Children are the future generation of any nation. Therefore, the state is obliged to fulfill the rights of every minor and ensure that they survive, grow, develop, and participate in protecting them from acts of violence and discrimination. In addition to the government, the community, family, particularly parents, are bound to and responsible for the implementation of child protection.

The government's interest in the development of children is observed in the numerous cases of violations of children's rights, one of which is the increasing rate of sexual abuse. The Policies or attempts to tackle these crimes are essentially an integral part of the efforts to protect the community and to achieve public welfare. Therefore, it is stated that the ultimate or main goal of criminal politics is the protection of society in order to achieve its welfare.¹⁴ The understanding of this policy is observed in both criminal and political law. According to Sudarto, political law is:

1. The efforts to realize favourable regulations in accordance with the circumstances and situation at a particular occasion
2. The policy of the state actualized through the authorized bodies by establishing the desired regulations, expected to be used to express what is encompassed in the society and to achieve what is aspired.¹⁵

Child protection policies are apparently not liberated from sexual violence. There are 15 types of sexual violence discovered by Komnas Perempuan in accordance with the results from a research conducted for 15 years (1998-2013), namely¹⁶

1. Rape,
2. Sexual intimidation including threats or attempted rape,
3. Sexual Harassment,
4. Sexual Exploitation,
5. Trafficking of Women for Sexual Purposes,
6. Forced Prostitution,
7. Sexual Slavery,
8. Coercion of marriage, including hanging divorce,
9. Unwanted Pregnancy,
10. Forced Abortion,
11. Forced contraception and sterilization,
12. Sexual Torture,

¹⁴ Prianter Jaya Hairi, *Problem Kekerasan Seksual: Menelaah Arah Kebijakan Pemerintah Dalam Penanggulangannya*, Jurnal Negara Hukum 6, No. 1 (Juni 2016): 4.

¹⁵ Sudarto, *Hukum Pidana dan Perkembangan Masyarakat*, (Bandung: Sinar Baru, 1983): 20.

¹⁶ These fifteen forms of sexual violence are not a final list, because there is a possibility of a number of forms of sexual violence that we have not yet identified due to limited information about them. https://www.komnasperempuan.go.id/file/pdf_file/Modules%20and%20Pedoman/Violence%20Sexual/15%20BTK%20KE%20hardness%20SEKSUAL.pdf, August 12, 2019.

13. Inhumane punishments and sexual nuances,
14. Practices of nuanced sexual traditions that endanger or discriminate against women,
15. Sexual control, through discriminatory rules in accordance with morality and religion.

Generally, sexual harassment is defined as any type of behavior that connotes or leads to erotic activities conducted unilaterally and is not expected by the target, thereby causing negative reactions such as shame, anger, hate, offense, etc to the victim. The range of sexual harassment is broad, and it includes flirting, cheating whistles, sex or gender connotation comments, porn humor, pinching, poking, patting or touching certain parts of the body, certain movements or erotic cues, luring by inviting victims out on dates, threats, invitations to have sexual relations that leads to rape.¹⁷ All these conducts lead to negative actions.

Furthermore, cases of sexual violence reported by the media in Cirebon are high and require government policies that favor children. These policies are confusing for the inhabitants of the region, particularly the issue of violating children. According to the data acquired, there was an increase in the rate of sexually violated children both in the city and districts of Cirebon from 2016-2018. The policy to protect children against this violence is a two-faced achievement by the prestigious government of Cirebon. This inversely contradicts the award that described the region as a Child-Friendly City (KLA) in 2017 and 2018.¹⁸ Similarly, in 2019 the city was declared to retain its KLA award.¹⁹ The award obtained is the pride of the local government, however, the fact still remains that along the northern coast road between Kabupaten and Kota Cirebon, dozens of children are seen working as buskers or street vendors.²⁰ In most instances, only a few of the children that carry out these activities are accompanied by their parents, and this shows what is obtained nationally is lame in this field.

In addition, the Cirebon regency in 2018 received an award for KLA Primary Category.²¹ The success of the city attracted 34 (thirty-four) members of the Bekasi Regency DPRD to study in Cirebon because of the KLA award, and they are scheduled

¹⁷ Anugrah Sulistiyowati, et.al., "*Psikoedukasi Seks: Meningkatkan Pengetahuan untuk Mencegah Pelecehan Seksual Pada Anak Prasekolah*", Jurnal Ilmiah Psikologi Terapan 6, No. 1 (Januari 2018): 17.

¹⁸ DKIS04, "*Kota Cirebon Raih Penghargaan Madya Untuk Kota Layak Anak*", <http://www.cirebonkota.go.id/kota-cirebon-raih-penghargaan-madya-untuk-kota-layak-anak/>. August 17, 2019.

¹⁹ Yoga Pramono, "*Peringati Hari Anak Nasional, Kota Cirebon Pertahankan Kota Layak Anak*". <http://www.cirebonkota.go.id/peringati-hari-anak-nasional-kota-cirebon-pertahankan-kota-layak-anak-kategori-madya/>, August 17, 2019.

²⁰ Direct observations were made on August 1-5, 2019, along the Pantura road, which started from Palimanan to Harjamukti. Even the researchers themselves happen to cross the Pantura Cirebon route every day.

²¹ Jaenal Abidin, "*Kabupaten Cirebon Raih 2 Penghargaan*", <http://setda.cirebonkab.go.id/kabupaten-cirebon-raih-2-penghargaan.html>. August 8, 2019.

to pay a visit on Friday the 17th of May 2019.²² Jamaludin reported that the implementation of fulfilling children's rights in the region has been functional since 2017 and it was strengthened by the issuance of Regional Regulation No. 8 of 2017 concerning Child-Friendly cities²³ which encompass non-discrimination, the best interests of the minors, the right to life, survival, development, and respecting the views of children in the society.²⁴ The categories of the assessment carried out by the central government and recognizing Cirebon as the KLA still leaves a sob for children that are victims of abuse, particularly sexual violence.

According to a local government official, the policies were successful in both rural and urban areas.²⁵ The policies implemented by the government clearly show a procedure that prioritizes prestige in order to obtain its achievements. It is contrary to the principle of a policy that needs to be proven by facts observed in the field, not simply for mere prestige. In principle, a policy is inseparable from the involvement of all elements, both the community that plays the role of the party involved and the government as the policymaker.

Anderson stated that policy is the direction of action with set intentions by an actor or number of actors employed to overcome a problem or an issue.²⁶ Apparently, the policy was used to gain the sympathy of the people and pursue prestige for the nomination in the subsequent year, the proof was effective because the two incumbents dominated the city.²⁷ Basically, Anderson's statement was considered to be valid with the issuance of the regional regulation as one of the policies employed to overcome the problem, which precisely occurred happened in Cirebon before they won the elections and defeated the issue. This means that the actions of local governments that prioritize prestige rather than the policies have made the real problem practical.

²² Syahroni/son, "Kabupaten Bekasi Pelajari Konsep Kota Layak Anak Cirebon", <http://www.rmoljabar.com/read/2019/05/17/99825/Kabupaten-Bekasi-Pelajari-Konsep-Kota-Layak-Anak-Cirebon->. August 10, 2019.

²³ *Cirebon City Regional Regulation Number 8 of 2017 concerning Eligible Cities (Cirebon City Regional Gazette of 2017 Number 8 Series E)*.

²⁴ See also *Article 7 of the Regulation of the Minister of State for the Empowerment of Women and Children of the Republic of Indonesia Number 12 of 2011 concerning Indicators of Eligible Districts / Cities (State Gazette of the Republic of Indonesia of 2012 Number 169)*.

²⁵ Closed interview on August 5, 2019, it was very unfortunate that the interviewee who was questioned did not want to be named. It seems very reasonable because the resource persons themselves are local government employees.

²⁶ Satriawan, et.al., "*Analisis Kebijakan Perlindungan Kekerasan Terhadap Anak di Kota Makassar*", *Jurnal Analisis dan Kebijakan Publik* 3, No. 1 (Juni 2013): 39.

²⁷ Liputan6.com, "Petahana Menang Hasil Real Count di Pilkada Kabupaten Cirebon". https://www.liputan6.com/pilkada/read/3574111/petahana-menang-hasil-real-count-di-pilkada-kabupaten-cirebon?related=dable&utm_expid=.9Z4i5ypGQeGiS7w9arwTvQ.1&utm_referrer=https%3A%2F%2Fwww.google.com%2F. August 12, 2019. See Also Azi Satrya, "KPU Kota Cirebon Tetapkan Nazarudin Azis-Eti Sebagai Pemenang PSU Pilkada Kota Cirebon", http://rri.co.id/post/berita/575638/pilkada_serentak/kpu_kota_cirebon_tetapkan_nasrudin_aziseti_sebagai_pemenang_psu_pilkada_kota_cirebon.html. August 12, 2019.

The policy carried out by the local government tends to certainly have an impact on the people or the public itself as William N. Dunn reported in the book entitled *Analysis of Public Policy*, which states that "public policy is a pattern of complex dependency of interdependent collective choices, such as the decisions not to act, which was implemented by a government agency or office".²⁸ The procedure involved in the implementation of public policy is a complex concept because it involves numerous processes. The law itself is the final process. Edwards and Sharkansky interpreted the public policy as "... The government goals and purposes in the programs,"²⁹ and this means the achievement of the objectives of these policies.

To achieve this program, the local government in Cirebon Regency needs to regulate or monitor child protection policies. However, it is observed in the Regional Regulation No. 1 of 2018 concerning protection, empowerment of women and children³⁰ particularly in Chapter III Article 4 which specifically deals with child-eligible districts that contain provisions such follows:

1. In the framework of implementing the convention on the rights of the minor, various laws and regulations relating to the fulfillment of rights and special protection for the children, the local government, the private sector, and community institutions need to make efforts to realize the eligible district for children.
2. To realize the eligible district of children as stated in paragraph (1), the local government, the private sector, and community institutions need to pay attention to children's rights such as the right to life, protection, participation, growth, and development.
3. Local Government, private and community institutions in realizing child-friendly districts task force.
4. The eligible regency task force is responsible for fulfilling children's rights in accordance with
 - a. civil rights and freedoms,
 - b. alternative family and care environment,
 - c. basic health and well-being,
 - d. education, leisure time usage, and cultural arts activities,
 - e. Special protection for children.

²⁸ William N. Dunn, *"Pengantar Analisis Kebijakan Publik"*, (Yogyakarta: Gajah Mada University Press, 2013): 131. Other terms relating to this kind of situation also refer to it as demographic politics, see Dudley Poston Jr., et.al., *"Demographic Factors in Election Electrolarist Strategies: Perspectives from the Field"*, *Population Journal* 24, No. 2 (2016): 3.

²⁹ Satriawan, Alfiana, et.al., *"Analisis Kebijakan. Op.Cit : 39*. See also Sarip, *"Pemikiran Can Not..., Op. Cit: 322*.

³⁰ *Regional Regulation Number 1 of 2018 concerning Protection, Empowerment of Women and Children (Cirebon Regency Regional Gazette Number 1 of 2018 Series E.1)*.

The regulations concerning the Cirebon government policy were implemented on the 26th of January, 2018, and were promulgated on the 31st of January, 2018. This was an extraordinary situation, however on the 27th of July, 2018 it was awarded the Eligible District of Children. In addition, it also considered legal by law No. 1 of 2018 concerning protection, empowerment of women and children does not contain an indicator of the city/regency level that is child-friendly. The indicators are contained in the Regulation of the Minister of State for the Empowerment of Women and Children of the Republic of Indonesia Number 12 of 2011 in accordance with the Eligible District / City Indicators for Children.³¹ There is a clear indication that the legislation formed is a policy tool that is only used to fulfill the administrative requirements.

This is stated in Article 4 of the KLA Indicators developed in accordance with the legislation relating to the fulfillment of children's rights. According to Article 5 paragraph (1), each regency/city is categorized as a KLA, assuming it has fulfilled the rights of children as measured by the KLA Indicator. (2) KLA indicators, as reported in paragraph (1), are a. institutional strengthening and child rights clusters. In article 6, institutional strengthening as reported in article 5 paragraph (2a) which states that

1. The existence of legislation and policies for the fulfillment of children's rights,
2. Percentage of budget for fulfilling children's rights and institutional strengthening,
3. Number of laws and regulations, policies, programs and activities that acquire input from children's forum and other groups,
4. Available human resources (HR) trained CRC and able to implement children's rights in policies, programs, and activities,
5. The availability of data on disaggregated children in accordance with gender, age and district,
6. The involvement of community institutions in fulfilling children's rights and
7. The involvement of the business world in the fulfilment of children's rights.

Cirebon received an award for a city worthy of a child in 2017 before its issuance by regional regulation (Perda) was established on the 3rd of October, 2017, which was promulgated on the 5th of October of the same year. It is quite evident that the local government strengthens power through political behavior.³² The Policies implemented in the region are certainly not in accordance with Carl J Federich's which defined it as a series of actions/activities proposed by a person, group or government in a particular environment with obstacles (difficulties) and goals, an important aspect of its definition,

³¹ Regulation of the Minister of State for the Empowerment of Women and Children of the Republic of Indonesia Number 12 of 2011 concerning Indicators for Eligible Districts / Cities (State Gazette of the Republic of Indonesia of 2012 Number 169) and Regulation of the Minister of State for the Empowerment of Women and Child Protection Number 11 of 2011 concerning Decent Regency / City Development Policy Children (State Gazette of the Republic of Indonesia Year 2012 Number 168).

³² Sudjiono Sastroatmodjo, "Perilaku Politik", (Semarang, IKIP Semarang Press, 2005): 10-11.

because it needs to be proven that it is actually implemented rather than proposed for some problem.³³ In accordance with the various types of definitions stated above, this research defines public policy as a set of decisions, actions and strategies carried out by the government in an effort to achieve goals and objectives in order to solve the problem rather than triggering or creating new issues.

3.2. *The Role of Local Government in Emergency Children Victims of Sexual Crimes*

In Article 1 number 1 Law Number 23 of 2014 stated that the local government conducts its affairs as the people's representatives in accordance with the principle of Indonesian autonomy, and as stated in The 1945 constitution.³⁴ On the contrary, number 2 states that the local government is the regional head or the organizer that is in charge of the implementation of its affairs, which are the authority of the autonomous regions.

Article 1 numbers 12 and 19 of Law No. 23 of 2002 concerning Child Protection, reports that children's rights are part of human privileges that need to be guaranteed, protected, and fulfilled by parents, family, community, state, and local government. In this context the local government consist of the governors, regents, and mayors, as well as regional apparatuses that serve as elements of governance. This clearly shows how the obligations of the regional government in protecting the rights of children till they are useful adults in the family, community, regional government, and the state in the future.

The majority of the victims are women, due to this fact, it is generally termed "violation of women."³⁵ Child protection is an effort to create a situation and condition that permits every minor's rights and obligations to be carried out humanely. This means that the child has the right to be protected. According to Article 1 Number 2 of Law No. 23 of 2002 concerning Child Protection, states that it involves all activities that guarantees and protects children's rights from violence and discrimination in order that they live, grow, develop and participate, optimally in accordance with human dignity.

In addition, the task of the regency/city government has obligations that concerns children in carrying out the following actions³⁶

1. Institutionalization of the fulfillment of children's rights in both government and non-governmental institutions, the business world at the district/city level,

³³ Leo Agustino, *"Dasar-Dasar Kebijakan Publik"*, (Bandung: Alfabeta, 2008): 7.

³⁴ *Law Number 23 of 2014 concerning Regional Government (State Gazette of the Republic of Indonesia of 2014 Number 244 and Supplement to the State Gazette of the Republic of Indonesia 5587)*.

³⁵ Prianter Jaya Hairi, *"Problem Kekerasan Seksual... Op.Cit.: 2*.

³⁶ *Attachment of Law of the Republic of Indonesia Number 23 the Year 2014 concerning Regional Government, Division of Concurrent Government Affairs between Central and Provincial Governments and Regency / City Regions (Matrix of Division of Concurrent Government Affairs between Central Government and Provincial Governments and Regency / Municipal Governments), Letter H Number 5 Division of Government Affairs in the Field of Women's Empowerment and Child Protection.*

2. Strengthening and developing service provider institutions to improve the children's quality of life at the district/city level,

This is in accordance with matters relating to the special protection of children, and the municipal district government needs to carry out the following functions:³⁷

1. Prevention of violence against children by the parties in the regency/city area,
2. Providing services for children that need special protection and requires district/city level coordination
3. Strengthening and developing service provider institutions for children that need special protection at the district/city level.

The mandate of Law No. 23 of 2014 concerning the regional government normatively with regards to children has been implemented in the city of Cirebon, and the regency has received KLA awards. Apparently, the mandate of the act was actually employed as a forum to discover regional prestige and less attention to the substance. Furthermore, child protection is divided into direct/indirect and juridical/non-juridical. Direct protection measures

1. Procurement of harmful substances in order for the children to be protected and saved from unsafe items
2. Prevention of all harmful substances that tends to hurt the child,
3. Supervision,
4. Guard against interference from within or outside the child,
5. Development (mental, physical, social),
6. Correctional formal and informal education,
7. Parenting (hone, compassion, nurture),
8. Reward arrangements in legislation.

The eight forms of direct child protection practices have not been maximally carried out in Cirebon. The indirect protection practices are³⁸

1. Preventing other people from harm,
2. Sacrificing the interests of children through a statutory regulation,
3. Increasing the rights and obligations of children,
4. Counselling concerning children and family coaching,
5. Procurement of substances that benefits the child,
6. Coaching (mental, physical and social) of participants other than the minors involved in the implementation of child protection,
7. Actions of individuals that obstruct child protection efforts.

³⁷ *Ibid.* Letter H Number 6 Distribution of Government Affairs in the Field of Women's Empowerment and Child Protection.

³⁸ Arif Gosita, "Masalah Korban Kejahatan", (Jakarta: Akademika Presindo, 1993): 6.

According to data from the Indonesian Pediatrician Association (IDAI), sexual violence against children occurs at home (48.7%), schools (4.6%), public places (6.1%), workplaces (3.0%) and other places such as hotels, motels, etc. (37.6%). The home has the highest percentage despite the fact that it is assumed to be the safest place for children. However, it turns out to be the location with the highest percentage of sexual violence. According to IDAI (2014), cases of sexually violated children occur mostly at the ages of 6-12 years (33%), and the lowest is 0-5 years (7.7%).³⁹ Article 20 of the Child Protection Act states that the state and regional governments, communities, families, parents, and guardians are obliged and responsible for the provision of child protection. Some children's rights that need to be protected as stated in Article 65 of Law Number 39 the Year 1999 concerning human rights reports that every child has the privilege to be protected from sexual exploitation, kidnapping, child trafficking, as well as from various forms of narcotics, psychotropic abuse, and other addictive substances. The criminal policy is a rational effort by the community in tackling crimes.

The principle of Child Protection that needs to be protected was implemented by the local government in accordance with the mandate of its act, as follows:

1. Children do not fight alone: One of the principles is that the child is the main capital for the survival of human beings, the nation and family, therefore, their rights need to be protected. Children are vulnerable, they do not protect their own rights, because numerous parties affect their lives,
2. To properly carry out child protection, it is of utmost importance to obtain the best interests of the child in every decision to avoid numerous problems.
3. The life-cycle approach refers to the equation in the understanding that child protection needs to begin early and is a continuous process. The fetus in the womb needs to be provided with nutrients such as iodine and calcium from the mother for proper development. Whenever the baby is delivered, breast milk and primary health care are needed by providing immunization services and other necessary requirements that protect the child from various possible disabilities and diseases,
4. Cross Sectorial: The fate of children depends on various factors, which are either macro or micro or directly and indirectly. Poverty, lack of urban planning, an education system that emphasizes on memorization and irrelevant materials, communities that are full of injustice, etc. needs to be handled by the following sector, particularly the families or by the children.

Article 21 of the Child Protection Law states that the regional government is obliged and responsible for the fulfillment of the children's rights regardless of ethnicity, religion, race, class, gender, culture, language, legal status, birth order, physical and

³⁹ Neng Lani Ligina, et.al., "Peran Orang Tua Dalam Pencegahan Kekerasan Seksual Pada Anak Sekolah Dasar di Kota Bandung", *Jurnal Keperawatan* 9, No. 2 (Juli 2018): 111.

mental conditions. Therefore, in order to guarantee the realization of this policy, the local government is obliged to fulfill, protect, and respect the rights of minors. They are also responsible for formulating and implementing policies in accordance with child protection. Additionally, to guarantee the fulfilment of children's rights and implement the policies stated above, the regional government needs to conduct and support national programs in the pursuit of child protection schemes in the regions. This policy tends to be realized through efforts to develop districts/cities that are child-friendly. The city of Cirebon has received an encouraging award, that is the KLA. Practically, the realization of child protection itself requires hard work by the government of Cirebon. The evidence of sexual violence is inversely proportional to the appreciation and news of child emergency in the city.

The regional government is obliged and responsible for providing support for facilities and infrastructure. Support for facilities and infrastructure, are playing grounds, fields, houses of worship, healthcare centers and services, arts buildings, recreation areas, nursing rooms, day care centers, including optimization of the technical implementation units for the execution of child protection in the regions, as described in Article 22 of the child protection act. Article 23 and 24 also states furthers roles of the regional government, namely

1. The regional government guarantees the protection, care, and welfare of the minor by taking into account the rights and obligations of the parent, guardian, or other people legally responsible for the child,
2. They oversee the implementation of child protection, and
3. They guarantee that the minor exercise the right to express its opinion in accordance with the age and intelligence level of the child.

The logics behind any legal product sound encouraging to its readers. The news of the achievements of Cirebon and its KLA award is not directly proportional. In addition to the work of the regional government which needs to be intense in protecting children from sexual violence, the role of the community is also needed in the field.

4. CONCLUSION

Sexual violation of children in Cirebon did not realize optimal treatment from the society till in 2019. Therefore, it is also an attraction that other local governments need to learn from the city. The success of the KLA was only focused on the administrative side while paying less attention to the substance of the community. In addition, the Child emergency in the city clearly shows that sexual violence has not received substantial attention. Children need to be guaranteed for their protection, and it is the joint responsibility of the parents, family, community, and the state. The role of the Cirebon regional government as they were awarded the KLA deserves to be appreciated, however there are records of the success victims of sexual violence in the city. The government

needs to immediately take actions to protect children that are victims of sexual violence. The sound of law need not only be used as a tool to perpetuate mere power and imaging. Therefore, the role of the community on the status of the Cirebon city for children's emergencies and KLA achievements is a separate study.

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