



Emergency Community-based Advocacy for Children Victims of Sexual Violence Revised from Act No. 12 of 2022

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Abstract. Children are one of the marginalized groups; by providing protection for children, we are also safeguarding the future of the nation. Currently, there are regulations governing sexual violence, namely Law No. 12 of 2022 concerning Sexual Violence Crimes. This regulation should provide protection for children, particularly in preventing sexual violence. The provisions regarding sexual violence are outlined in Article 4, paragraph 1 of the Sexual Violence Crimes Law, which includes: non-physical sexual harassment, physical sexual harassment, coercion of contraception, coercion of sterilization, forced marriage, sexual torture, sexual exploitation, sexual slavery, and electronic-based sexual violence. The role of the community is important as an effort to prevent sexual violence against children. The problem statement in this research is how urgent it is to prevent sexual violence against children based on community involvement. This research aims to understand the importance of the role of the community in preventing sexual violence against children. This research uses a normative legal research method. This research found that communities play an important role in bringing about changes in legal culture. The existence of a legal culture created by the community can foster a mindset regarding the dangers of sexual violence against children. This societal mindset will lead to preventive actions against the occurrence of sexual violence towards children. The community, through its networks, can undertake more effective prevention efforts by providing advocacy. The advocacy that can be carried out by the community is aimed at preventing sexual violence against children..

Keywords: advocacy, child, sexual violence, community, prevention

1. Introduction

Sexual violence in Indonesia is increasing every year, especially sexual violence against children. Victims of sexual violence are not only adults but also teenagers and even children. In cases of sexual violence, many perpetrators come from the immediate environment. The surrounding environment includes family and school. Most cases of sexual violence come from family members or close individuals, as reported in Indonesian media in 2022. Such conditions cause children who are victims of sexual violence to suffer even more severely, as they have to meet with the perpetrators of sexual abuse each time. Sexual violence against children is a form of crime that will harm the child's future. The involvement of the community is needed in supervising children in their living environment.

Children who are the future leaders of the nation must be freed from perpetrators of sexual violence. According to Law No. 11 of 2012, a child is a person who is under 18 (eighteen) years of age. At that age, children are still in the process of character formation, which will later influence their mindset. For a nation, children play an important role as the successors of the nation. Legal protection for children to prevent them from becoming victims of sexual violence is regulated by Law No. 12 of 2022 concerning Sexual Violence Crimes. This Law is based on Articles 20, 21, and 28 of the 1945 Constitution of the Republic of Indonesia, which mandates the state to provide protection for children from sexual crimes.

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In cases of sexual violence against children, the state is required to manage, protect, and restore the rights of children who are victims of sexual abuse. Law No. 12 of 2022 is also expected to provide protection for children from criminal acts of sexual harassment.

Based on data taken from the KPAI (Indonesian Child Protection Commission) website in 2023, there are 834 children who have become victims of sexual violence. From this data, there is an increase in the number of victims of sexual violence compared to 2022, which recorded 797 children as victims of sexual violence. The data indicates that the regulations regarding the prohibition of sexual violence against children do not deter the perpetrators. Cases of sexual violence against children may still be numerous, as this condition is due to the fact that victims of sexual violence have not reported to law enforcement authorities. There is a fear among children who are victims of sexual violence to report due to feelings of shame, fear, and a lack of knowledge in society regarding legal steps.[1] Children are a part of society that needs protection, as they belong to a vulnerable group. Law No. 23 of 2002 on Child Protection also provides an explanation regarding child protection that includes:

- a. education on rehabilitation, religious values, and suffering;
- b. social rehabilitation;
- c. psychosocial support during care until recovery;
- d. restoration of protection and support at every stage of the examination from investigation, prosecution, to court proceedings.

The community has a limited understanding of children's rights as outlined in the law. The lack of understanding regarding children's rights should be addressed by society. Providing understanding to the community is part of the advocacy that can be carried out by the community. The advocacy carried out by the community will be easily accepted by the community. The importance of advocacy for child victims of sexual violence is crucial because victims feel ashamed and afraid to report to the police. There is still a negative perception in society regarding children who are victims of sexual violence, experiencing suffering twice over. Children have become victims of sexual violence, and they also face the same negative stigma from society. The advocacy concept implemented by this community will be a solution for children who are victims of sexual violence. The presence of advocacy is expected to prevent sexual violence against children. The advocacy by the community will create legal awareness, and it is hoped that sexual violence will disappear from society. In the concept of advocacy, the advocacy process that originates from within the community plays an important role.[2] Children have become victims of sexual violence, and they also face the same negative stigma from society. The advocacy concept implemented by this community will be a solution for children who are victims of sexual violence. The presence of advocacy is expected to prevent sexual violence against children. The advocacy by the community will create legal awareness, and it is hoped that sexual violence will disappear from society.[3] In the concept of advocacy, the advocacy process that originates from within the community plays an important role.

Community involvement in advocating for cases of sexual violence against children can create order and foster a sense of safety for society. In this study, the author will investigate the urgency of preventing sexual violence against children based on society according to Law Number 12 of 2022.

2. Methodology

This study uses a normative method that will be examined by the authors is normative legal research that uses legal material as a primary data source. The approach used in this study is to use secondary data that covers primary and secondary legal material. The primary legal materials in this research include Law No. 12 of 2022 and other laws relating to sexual violence against children, as well as secondary law materials that include literature books, journals, research results reports, articles, scientific works, news, and other electronic

documents related to research topics. The legal material that has been collected is then structured descriptively for analysis using qualitative methods.

3. Discussion And Findings

Prevention of sexual violence against children is the right step. The community can take action to prevent sexual violence against children. The community plays an important role in prevention. The function of social control will impose social sanctions on perpetrators of sexual violence against children. These social sanctions will instill a sense of fear in the perpetrators of sexual violence. The presence of advocacy from the community will foster internal defense within the community. Advocacy from community groups will also provide a sense of security for children who are victims of sexual violence.

a. The Urgency of Community-Based Advocacy for Child Victims of Sexual Violence

Advocacy is a term used to describe a form of legal assistance and/or support to the community through litigation or non-litigation means. This term refers to a series of actions taken to assist others in resolving specific issues. Advocacy usually involves providing legal assistance to communities experiencing conflict, whether it is a dispute with the government, among themselves, or facing other types of conflict. Advocacy can be understood as a form of support within the criminal justice system.[4] Advocacy can be carried out by lawyers or community members (paralegals). Advocacy is not only performed by lawyers but also by paralegals. Advocacy plays a role in preventing legal issues that could harm the community. Advocacy has a role and aims to prevent an event from occurring.

Advocacy is carried out by people who have the ability to solve problems. The advocacy process carried out during the litigation stage can only be conducted by a lawyer. Based on Article 72, paragraph 1, of Law Number 23 of 2002 concerning Child Protection and the Legal Aid Law. The advocacy process by the community is based on the equality of legal rights based on justice. Advocacy carried out by the community has the potential to provide protection for children. The role of advocacy and community has made a profound contribution to creating an environment free from sexual violence.

Society, as part of social control, plays an important role in reducing and protecting children from sexual offenders. Criminal behavior involving sexual violence against children reflects the ongoing lack of community concern in efforts to prevent sexual harassment crimes. Communities that are part of society play an important role in the prevention of sexual violence. The existence of communities cannot be separated from society. The role of the community can enhance access to justice for child victims of sexual violence, who have always received insufficient attention.[5] Advocacy carried out by the community can raise awareness of the importance of preventing sexual violence against children. The role of the community becomes important because they are always present, as this community is a part of society.[6]

Robert Redfield explains that a community has values of closeness, friendship, and care that create strong, lasting, and diverse social relationships.[7] The foundation of advocacy carried out by the community is a social bond based on the values of helping without compassion. A work pattern based on family values is necessary during the advocacy process. The advocacy process carried out by the community involves providing direct education to the public. A continuous advocacy process will foster a legal culture. The main goal of advocacy is to protect its group from criminal actions.

The community plays an important role as a factor in the development and protection of laws that originate from within society. The legal system will be strong when a legal culture is created, according to Lawrence M. Friedman, which is then known as the theory of the legal system. The legal system consists of three basic elements: legal structure, legal substance, and legal culture. The important role of advocacy by the community is as a shaper of legal culture. Legal culture provides insight into the ways of thinking and acting, as well as the habits of society. The advocacy process carried out by the community will

influence social strength to shape legal culture.[8] Children who are victims of sexual violence must receive advocacy from the community. According to Heety, sexual violence against children will have social impacts that the child will experience. The social impacts that the child faces include negative perceptions of sexual violence victims in society and labels from the community that cause the child to suffer twice.[9]

The Law No. 12 of 2022 has opened up opportunities for the community to engage in advocacy. The provisions in Law No. 12 of 2022 are for the best interests of the victims; all actions related to the victims by the executive, legislative, judicial, and public institutions must be a primary consideration in the law enforcement process in cases of sexual violence. Legislators have provided ample space for the public to act in the best interests of child victims of sexual violence. The role of community advocacy in this case becomes important because the community is more aware of the needs of the victims.

b. Forms of Advocacy based on Law No. 12 of 2020 concerning Sexual Violence Crimes

The community can provide advocacy processes for children who are victims of sexual violence. In Indonesia, not everyone is able to provide support or engage in advocacy. The provisions regarding public advocacy are found in the Criminal Code concerning Sexual Violence, but they are regulated by Law Number 16 of 2011 on Legal Aid. The Legal Aid Law guarantees public access to justice.

The term for a community that can provide advocacy is Paralegal. The paralegal first appeared in the United States in 1968, serving as a legal assistant tasked with helping a lawyer or notary.[10] Definitions of Paralegal in Indonesia, which refers to someone who is not a lawyer but possesses legal knowledge regarding both substantive and procedural law, playing a role in society to assist seekers of justice working in legal aid organizations. Paralegals work voluntarily without asking for compensation.

In Law No. 23 of 2004 concerning the Elimination of Domestic Violence, the term "accompanying volunteer" is used to refer to paralegals. Meanwhile, Law No. 3 of 1997 adopts the term "social worker." That in this way, paralegals can provide advocacy for victims of sexual violence. The paralegal's duties cannot be carried out independently, so they still need to be supervised by a lawyer or a legal aid organization.

In the Law Book 12 of 2022, Chapter VIII, Article 85 specifically regulates community and family participation. The community can advocate for legal protection for child victims of sexual violence. The community plays a crucial role in the prevention of sexual violence, as previously discussed, if society has a role in shaping a legal culture. The involvement of paralegals in the prevention of sexual violence will have a positive impact. Community paralegals will become agents of change in society, enhancing advocacy for child victims of sexual violence.

The presence of community paralegals will encourage the public to report known cases of sexual violence. The advocacy carried out by paralegals will provide legal protection for the community. The community can register its members to apply for training at the legal aid organization so that they can become paralegals. A paralegal is a form of recognition by the government for individuals who carry out advocacy processes for their community or society. Training for paralegals can consist of intensive training that includes material on advocacy techniques, understanding formal and material law, documentation practices, and advocacy simulations.

The forms of advocacy that can be carried out based on Law No. 12 of 2022 by paralegals are as follows.:

- a. Advocacy in the form of consistent and ongoing information about the dangers and the existence of criminal sanctions for violators.
- b. Advocacy for child victims and their families if they report.

- c. The community can provide information about sexual violence to law enforcement agencies.
- d. Advocacy in the form of support as an effort to restore the victims' conditions while ensuring that the rights of child victims are fulfilled.

4. Conclusion

In efforts to prevent sexual violence against children, advocacy carried out by the community plays a very important role. The presence of advocacy from the community through paralegals will create a legal culture. The community can become paralegals through training. Paralegal, this community will operate based on the principles of volunteerism and mutual assistance. This community paralegal advocacy will enhance access to justice for children who are victims of sexual violence. The paralegal position has also been recognized in the Legal Aid Law, so its implementation does not pose a problem within the criminal justice system. Paralegal advocacy in cases of sexual violence involving child victims is limited to non-litigation.

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