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STRATEGY FOR THE IMPLEMENTATION OF THE LAW ON THE PROTECTION OF WOMEN AND CHILDREN IN OVERCOMING SEXUAL VIOLENCE IN CIREBON

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Abstract.

Background. This research was conducted to study the implementation of laws and regulations in handling cases of sexual violence involving children in Cirebon City.

Aims. The primary focus of this research is on the work efficiency of the Women and Children Service Unit (PPA) within the Cirebon City Police, as well as Law Number 35 of 2014 and Law Number 12 of 2022, which were implemented.

Methods. The research method chosen is qualitative with an empirical juridical approach, which involves data collection through interviews, observations, and document analysis.

Result. The research revealed that the Cirebon City Police PPA unit has generally operated in accordance with standard procedures but is still faced with a number of problems, including the limited number of personnel, the low level of legal understanding in the community, and the impact of psychological trauma on victims, which is often a barrier in the investigation process.

Conclusion. In addition, the synergy between related institutions, such as the Social Service and child protection institutions, is considered to be unoptimal.

Implementation. Therefore, efforts are needed to increase the capacity of law enforcement officials, provide legal education to the public, and strengthen coordination between institutions to increase the effectiveness of legal protection for child victims of sexual violence.

Keywords: Sexual Violence, Children, Legal Protection, Cirebon City Police, Law Implementation.

INTRODUCTION

Sexual violence is one of the most serious and complex forms of human rights violations, especially if the victims are women and children. The impact is not only physical, but also creates deep and long-term psychological wounds. Lifelong trauma affects the way the victim lives their daily lives. This phenomenon continues to be in the spotlight in Indonesia, as reports of sexual violence increase and pressure from civil society on the state to act more decisively. Cirebon City, as part of the national jurisdiction, also experienced similar problems, especially in cases of sexual violence against children.

Children, as legal subjects in the stage of growth and development, have fundamental rights guaranteed by the state. Ironically, they are still very vulnerable to sexual violence, even in the context of relationships that should provide protection, such as family, school environment, or socializing on social media. One of the cases in the city of Cirebon illustrates this condition, namely when a 13-year-old girl (initials S) became a victim of sexual violence after getting acquainted with the 18-year-old perpetrator (AR) through social media. The perpetrator took advantage of the emotional relationship and promised an engagement, then forced the victim to have sexual intercourse in a hotel. After the victim's parents reported the

case, the Cirebon City Police PPA unit immediately acted, starting from collecting evidence to the investigation process.

In handling cases like this, it is necessary to examine the extent to which the implementation of the provisions in Law Number 35 of 2014 concerning Child Protection and Law Number 12 of 2022 concerning the Crime of Sexual Violence (TPKS) is carried out by law enforcement officials. The Child Protection Law affirms the protection of children from violence, exploitation, and ill-treatment, and guarantees children's right to life in emergencies, including trafficking, disability, and legal conflicts. This law also affirms that children, including those who are still in the womb, have the right to maximum protection from the state.

Meanwhile, the TPKS Law strengthens the legal framework in efforts to prevent, protect victims, and provide sanctions to perpetrators of sexual violence. As a vulnerable group, women and children get a special spotlight in the provisions of this law. In its implementation, this regulation expands the scope of forms of sexual violence and ensures comprehensive assistance and victim recovery services.

In theory, the approach in law enforcement to cases of sexual violence should not only be normative but also contextual and oriented towards substantive justice, as emphasized by Satjipto Rahardjo. The law must be able to be a tool responsive to the community's human values and social conditions, so that partiality towards victims is the main principle.

Several previous studies have also identified various obstacles in the implementation of legal protection for individuals who experience sexual violence. Komnas Perempuan identified the lack of gender perspective among law enforcement officials, limited support facilities, and the heavy burden of proof on the part of the victims as the main obstacles. Another study by Angriani, Rahman, & Makkuasa (2021) highlights the inequities between regulation and implementation and the risk of revitalization in legal processes. Meanwhile, Priyambudi, Wijaya, & Purwati (2020) underlined the lack of legal assistance and rehabilitation services. These studies generally affirm the need for a more holistic and coordinated approach between institutions, including law enforcement, social institutions, and psychologists.

Thus, the problem of sexual violence against children requires not only strict law enforcement but also a comprehensive, regulatory-based approach, fair implementation

practices, and sustainable system support. This research seeks to explore these aspects by focusing on implementing the law locally, namely in the PPA Unit of the Cirebon City Police.

Problem formulation

1. Regarding cases of sexual violence in Cirebon City, how is the PPA Law implemented in its handling mechanism?
2. Identify the significant obstacles in the operation of the Cirebon City Police PPA Unit related to law enforcement against individuals who commit sexual violence, and what steps can be implemented to increase the effectiveness of handling cases of sexual violence against children, both from legal, procedural, and public awareness aspects?

Research Objectives and Benefits

This research is directed to intensively analyze how the PPA Law is implemented in the practice of handling cases of sexual violence in Cirebon City, primarily through the identification of the various obstacles and challenges faced by law enforcement officials in the implementation of the law in the field. To strengthen legal protection, this study is also designed to produce applicable and evidence-based policy recommendations to improve the effectiveness of protection for PPAs from sexual violence. Furthermore, this research is expected to make an academic contribution through a comprehensive study on the dynamics of policy implementation, as well as encourage public understanding of the issue of sexual violence. The benefits of this research include providing relevant information for policy makers, law enforcement implementers, and civil society in formulating strategic frameworks, strengthening institutions. In addition, a more targeted distribution of resources is needed to form a good ecosystem, provide support, and be victim-oriented. Thus, this research not only adds to the legal literature on protecting children and women but also advocates for systemic change to realize justice more realistically.

Research place

This research was carried out at the Cirebon City Police, in the criminal investigation section of the PPA Unit. This unit has duties and responsibilities to handle various cases of

sexual violence against women and children. The selection of locations in the PPA Unit is very relevant to the research objectives. Ini.

METHODS.

The research method implemented in this study is empirical juridical, which is an approach that examines the law not only based on written regulations, but also looks at how the law is implemented in society. The method used in this study is to identify the extent to which the law can provide adequate protection for the

The research method implemented in the study of women and children from the threat of sexual violence in the Cirebon City area. Research data was obtained from several sources, namely:

1. Literature Study: The researcher examines various legal sources, such as laws and regulations, legal journals, and literature on protecting women and children.
2. Interview: The researcher conducted interviews with police officers at the Cirebon City Police, especially the Women and Children Protection Unit (PPA), to understand how they handle cases of sexual violence.
3. Field Observation: The researcher conducted observations at the Cirebon City Police Station to determine the procedure for handling cases directly.
4. Case analysis: one of the cases analyzed in this study is a case of sexual violence committed by AR (18 years old) to a minor victim.

DISCUSSION

As an integral part of the Criminal Investigation Unit (Satreskrim) of the Cirebon City Police, the Women and Children Protection Unit (PPA) carries out a crucial responsibility in handling various cases of violence targeting women and children. In carrying out its mandate, this unit focuses on multiple forms of violence, including physical, mental, sexual, and other forms of exploitation. The primary function of the PPA Unit includes the implementation of a comprehensive investigation into violent crimes, while fulfilling the protection needs for victims is also the primary focus carried out simultaneously. To maximize its work effectiveness, the PPA Unit actively builds synergy with many related institutions, such as social services, the Integrated Service Center for Women's and Children's Empowerment

(P2TP2A), and various rehabilitation and psychological assistance institutions. The unit is chaired by a competent police officer and supported by personnel who have received special training in handling cases of gender-based violence and child issues.

The main tasks of the PPA Unit include:

1. Receiving reports and complaints from the community related to cases of violence against women and children.
2. Conducting field investigations.
3. Conducting examinations of witnesses and suspects.
4. Preparing the Minutes of Inspection (BAP).⁹⁸
5. Submit the case file to the prosecutor's office for prosecution.

Services that are sensitive to victims are sought in an atmosphere that does not oppress the victim's psychology. This unit also provides a child-friendly space to support the inspection process.

Implementation of the Law on the Protection of Women and Children

In the case involving the perpetrator AR (18 years old) and Victim S (13 years old), the PPA Unit of the Cirebon City Police directly implemented the provisions of Law Number 35 of 2014 concerning Child Protection which is an amendment to Law Number 23 of 2002, as well as Law Number 12 of 2022 concerning the Crime of Sexual Violence (TPKS Law). The perpetrator was charged with articles related to sexual activity with a person under the age of 19 that contained elements of violence, fraud, and exploitation. The handling procedure is carried out systematically and reflects the substantial application of the law.

The steps taken include:

1. Receipt of the report: the report from the victim's parents was immediately responded to by the PPA Unit by conducting an in-depth investigation into the chronology of the incident.
2. Examination of the victim: The examination process is carried out carefully, with the assistance of psychologists and guardians of the victim to maintain the psychological condition of the victim.

3. Arrest of the perpetrator: after sufficient evidence is found, the perpetrator is arrested and detained for further investigation.
4. Application of Legal Articles: The articles used are Article 81 paragraph (2) and Article 82 of the Child Protection Law, as well as articles in the TPKS Law that regulate sexual violence based on manipulation and fraud.
5. Inter-agency coordination: Coordination is carried out with women and child protection institutions for assistance and trauma recovery for victims.

From this process, it can be seen that the implementation of the Law is carried out normatively and procedurally. However, the effectiveness of law enforcement is highly dependent on the competence of officers and the support of other support systems.

Inhibiting factors in handling cases of sexual harassment against in the Cirebon City area.

Although juridically there are comprehensive regulations, their implementation in the field still faces several obstacles, including:

1. Limited Resources and Facilities

Personnel who have special expertise in handling victims of sexual violence, especially children, are still limited. Facilities such as examination rooms that are child-friendly are also not entirely adequate.

2. Difficulty of Proving

Many cases of sexual violence do not have strong physical evidence. In the case of AR (18 years old), the perpetrator, and S (13 years old), the victim, evidence in the form of psychological assessment is quite helpful, but not all cases have uniform supporting elements.

3. Psychological Trauma of Victims

Victims often experience deep trauma that hinders their ability to provide full information. This line affects the process of collecting evidence and examining witnesses.

4. Community Stigma

The stigma of the community blaming the victim, especially if the case involves emotions such as dating, engagement or other emotional closeness, makes some families reluctant to report the incident.

5. Inter-agency coordination

Case handling requires cooperation between institutions, such as P2TP2A, psychologists, Social Services, and others. Coordination that has not been solidly built can slow down the process of resolving cases.

Analysis of the case of the perpetrator AR (18 years old) and S (13 years old), the victim. The perpetrator used emotional manipulation and persuasion under the pretext of engagement to deceive the victim, who was still 13 years old. This action is a form of exploitation that is contrary to the applicable legal provisions, especially articles 76D and 76E of the Child Protection Law, which prohibit any individual from committing acts of violence or sexual exploitation of children.

The legal basis that is considered appropriate to be applied in the example case that the Cirebon City Police PPA Unit has implemented includes:

1. Law number 35 of 2014 concerning Child Protection

- Article 76D: "Everyone is prohibited from committing violence to force a child to have sexual intercourse with him or another person".
- Article 81 paragraph (1): "Every person who violates article 76D shall be sentenced to imprisonment for a maximum of 15 years and a maximum fine of Rp.5 billion".
- Article 81 ayat (2): "in the event that the criminal act as intended in paragraph 1 is committed by or educational personnel, the penalty shall be added to one-third of the criminal threat specified in paragraph 1".

2. Law number 12 of 2022 concerning the Crime of Sexual Violence (TPKS Law)

- Article 4 paragraph (1): "Every person who commits sexual violence as referred to in Article 3 is sentenced to imprisonment for a minimum of 5 years and a maximum of 12 years and a maximum fine of Rp. 300 million".
- Article 19 paragraph (1): "victims have the right to legal protection, recovery, and assistance from the government and related institutions".

In this case, the perpetrator's actions not only meet the criminal elements in the Child Protection Law, but also include sexual violence as regulated by the TPKS Law. Therefore, applying these two laws in the investigation process is very important to ensure that the perpetrators get the appropriate punishment and the victims get justice.

This shows that substantial law enforcement has been carried out regarding the relevant laws and regulations. However, the effectiveness of case handling is greatly influenced by structural factors (such as institutional capacity and infrastructure) and cultural factors (stigma against victims and lack of community legal literacy). Continuous training for officers and legal education for the public are needed to build public awareness of the importance of protecting women and children, who are very vulnerable to acts of sexual violence.

Steps to Improve the Effectiveness of Handling Cases of Sexual Violence Against Women and Children

To overcome various obstacles in the implementation of the law, concrete and effective steps are needed to increase the effectiveness of handling cases of sexual violence against women and children, including:

1. Increasing Socialization and Education in the Community

- The government and law enforcement officials need to actively educate the public about the importance of reporting cases of sexual violence against children.
- Public campaigns must be intensified to eliminate public stigma against victims of sexual violence.

2. Strengthening the capacity of law enforcement officials

- For a more optimal handling of cases of sexual violence, the PPA Unit was identified as needing special training programs, especially regarding the appropriate interview methods for victims.
- Increasing the number of investigators who have expertise in handling child sexual exploitation cases needs to be prioritized.

3. Providing more victim-friendly services

- An integrated service unit that provides legal assistance, mental support, and social services is needed to meet victims' needs.
- Safe houses must be increased to protect victims in dangerous situations temporarily.

4. Simplifying Legal Procedures

- The legal process must be carried out faster and more efficiently so that victims do not experience prolonged trauma.

- The use of technology in investigations, such as video recordings for child testimony, can be a solution to avoid excessive pressure on victims at trial.

Cirebon City, with existing cases of sexual violence against women and children, illustrates that the implementation of the PPA Law and the TPKS Law still faces substantial obstacles. Although regulations have provided a clear legal basis for protecting victims and taking action against perpetrators, obstacles in their implementation remain. Thus, concrete actions aimed at optimizing the effectiveness of the law are a must, strengthening the role of law enforcement officials, and providing education to the public so that cases of sexual violence against children can be prevented and handled better.

CONCLUSIONS

Based on the results of this study, it can be concluded that the implementation of Law Number 35 of 2014 concerning Child Protection and Law Number 12 of 2022 concerning Crimes of Sexual Violence in Cirebon City has been carried out procedurally by the Women and Children Protection Unit (PPA) of the Cirebon City Police. This unit carries out the function of investigating cases of child sexual violence with reference to the applicable legal provisions. However, the effectiveness of implementing the law has not been fully optimal. The main obstacles include limited infrastructure and trained human resources, weak reporting due to social pressure on victims, and a lack of community legal literacy. This reinforces the hypothesis that although a legal framework is already in place, realisation on the ground still faces various structural and cultural challenges. This research also makes a significant contribution to enriching the understanding of the dynamics of the implementation of child protection laws at the local level, as well as being a basis for developing more in-depth legal studies in the context of protecting vulnerable groups.

IMPLEMENTATION

In response to the findings, this study proposes a series of strategic steps that can be implemented to improve the quality of legal protection for victims of sexual harassment. The first initiative that is considered essential is the capacity building of human resources through ongoing technical training, especially in dealing with child victims with a trauma-based

approach. Second, local governments are expected to be more active in providing child-friendly facilities and infrastructure, including safe examination rooms and temporary shelters. Third, building a more integrative protection system is necessary to build solid cross-sector coordination between law enforcement officials, social service institutions, psychologists, NGOs, and community leaders. For the next researcher, it is recommended that the psychological aspects experienced by victims be explored further and the effectiveness of legal assistance throughout the judicial process be evaluated. Follow-up research should also involve the perspective of victims and their families to enrich a more comprehensive analysis of the complexity of handling cases of sexual violence against children. Thus, this research provides an empirical picture and encourages the birth of fairer, empathetic, and needs-based policies for victims.

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