

## IMPLEMENTATION OF LEGAL PROTECTION AND FACTORS HINDRING CHILD PROTECTION: A CASE STUDY OF SOUTH SUMATRA PROVINCE

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ARTICLE INFO	ABSTRACT
Diterima: 02 Februari 2026 Direvisi: 21 Februari 2026 Disetujui: 14 Maret 2026 Tersedia Daring: 30 April 2026	This research aims to understand how the implementation of child protection laws increases legal protection for child victims of sexual violence and to better understand what factors hinder the implementation of these laws. In this regard, This legal protection needs to be studied to understand the role of children's rights and protection issues regarding children's rights in South Sumatera Province. This research is a type of doctrinal legal research by collecting (documenting) secondary data. in Law no. 35 of 2014 Regarding the Protection of Children who are victims of sexual violence, Legal protection for children from a human rights perspective cannot be implemented because the government has not carried out several of its obligations in fulfilling children's rights so that there are still legal violations against children.
<b>Keywords:</b> <i>Implementation, Legal Protection</i>	<b>ABSTRAK</b>
<b>Kata Kunci;</b> <i>Implementasi, Perlindungan Hukum</i>	<i>Penelitian ini bertujuan untuk memahami bagaimana penerapan undang-undang perlindungan anak meningkatkan perlindungan hukum bagi korban anak kekerasan seksual dan untuk lebih memahami faktor-faktor apa saja yang menghambat penerapan undang-undang tersebut. Berkaitan dengan hal tersebut, Perlindungan hukum ini perlu dikaji untuk memahami peran hak-hak anak dan permasalahan perlindungan terhadap hak-hak anak di Provinsi Sumatera Selatan. Penelitian ini merupakan jenis penelitian hukum doktrinal dengan cara mengumpulkan (mendokumentasikan) data sekunder. dalam UU No. 35 Tahun 2014 Terkait Perlindungan Anak korban dan pelaku kekerasan seksual, Perlindungan hukum terhadap anak dari sudut pandang hak asasi manusia belum dapat dilaksanakan karena pemerintah belum melaksanakan beberapa kewajibannya dalam memenuhi hak-hak anak sehingga masih terdapat pelanggaran hukum terhadap anak.</i>

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### 1. INTRODUCTION

Children are a vital part of human survival and the survival of the nation and state. To enable them to be responsible for the future of the nation and state, every child must be given the broadest possible opportunity to grow and develop optimally physically, mentally, and socially (Santosa et al., 2021). Child protection in Indonesia arranged This is regulated by various legal regulations, including Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, as well as several other regulations. Child protection includes guaranteeing their rights and protecting

them from violence and discrimination (Duwira Hadi Santosa, 2021). The main goal of child protection is to ensure that children can grow, develop, and participate in society with dignity and human rights. Various regulations, both in laws, religious teachings, and culture, have widely discussed child protection (Agusnawan et al., 2023). However, violations of child protection continue to increase (Abraham, 2023). from year to year, the result of less intelligent regulation which tends to be seen as a new problem .

In case criminal child, limitation child's age very important Because used to find out whether someone suspected of committing a crime is included in category child or No. Child age limit Also different in various the country that arrange age (Putera Semadi, 2024) child Which can punished. Some countries also define somebody as child or mature based on age, activities, or ability think they (YUNITA, 2021). Everyone in lower age 18 year considered a child, except If has reach age limit Which set by law Which applies to child. However, to determine the age limit at which a person can be considered a child. According to Bisma Siregar, in public Which already have written law applies an age limit of 16 years or 18 years a certain year or age according to calculations at which age the child is no longer including or classified as child but already an adult. Child protection must consist of from two component (Nugraha, 2023). Aspect First, related to laws that regulate children's rights and child criminal law and how Constitution the implemented (Ibrahim & ERLITNA, 2022). The second aspect relates to the role of society and parents in protecting children from perpetrators or victims of crime (Ornella Angelia, 2022). avoid future problems with children's age limits, children's age limits must be clearly defined and agreed upon because the understanding and limits of children's age are very different. However, until moment This Still There are several factors that are obstacles in the implementation process Child Protection Law (Yulanda Dewi, 2023). Based on the description above, the author intends to further examine how legal protection of children's rights is provided in Indonesia and the factors that hinder the protection of children's rights in Indonesia.

## 2. METHOD

Types of research methods that The chosen research method is socio-juridical, or descriptive research with a non-doctrinal approach, which views law as an empirical socio-phenomenon observed in experience. In this research, law is viewed not only as a normative system containing regulations, but also as a social institution that functions in the structure of community life. Socio-juridical research concentrates on how society apply And understand law, and how law influences people's behavior and social life (Rukmana, 2022). To achieve this goal, researchers not only examine the normative aspects but also examine the legal aspects as a whole using a normative or statutory legal approach (Widijantoro et al., 2019).

This research is a descriptive, analytical legal research with data sources in the form of primary, secondan approach used in legal research to describe and analyze related data with the rules legislation and legal practice, in other words, this analytical descriptive research takes a problem or focuses on problems as they exist when the

research is carried out, the research results are then processed and analyzed to draw conclusions (Siswoyo, 2020).

### **3. RESULT AND DISCUSSION**

#### **Effective Implementation of Law Number 35 of 2014 concerning Child Protection To Improve Legal Protection for Children in Musi Rawas Regency, South Sumatra**

Law no. 35 of 2014 regarding changes Law No. 23 of 1999 2002 concerning child protection is a law that protects children and their rights so that they can live, grow, develop and participate optimally in accordance with human dignity and honor, and receive protection from violence and discrimination (Choirun'nisa et al., 2022).

Implementation according to Hamalik is the application of ideas, concepts, policies or innovations in the form of practical actions that have an impact, both in terms of changes in knowledge, skills, and values and attitudes. 5 Implementation in child protection efforts has a broad scope, because child welfare does not only include social and economic needs, but also as well as other factor,, such as protection in the judicial sector, abandoned children, street children, children who are victims of physical or sexual violence, and so on (Simanjuntak, 2022). In an effort to guarantee and protect children, activities carried out must ensure that children can live, grow, develop and participate optimally in accordance with human dignity and honor, and receive protection from violence and discrimination.

Based on Article 54 of Law No. 35 of 2014, children's rights include: the right to live, grow and develop; the right to worship, think, and express oneself; the right to education; the right to express one's opinion and have one's opinion heard; and the right to protection from violence and discrimination. Those responsible for this are parents, including the biological father/mother (biological parents) and the father or stepmother (stepparent) (Al Fikry, 2021).

Law no. 35 of 2014 concerning Child Protection provides a definition of violence which includes acts of sexual violence. If translated loosely, sexual violence according to the definition according to WHO is "All acts Which relatewith activity sexual or trialactivities sexual or comments or actions others who forcibly attack someone's sexuality regardless of relationship that is owned between the victim and the perpetrator" (Pradana et al., 2021). People Parents need to be supervised very strict on child in era now. Many opportunities that is done regarding violence against child. Person old required to provide right child like the right to receive education, protection, housing, affection as should be given by parents and their families so that children No easily influenced and remains deep supervision (Pratama et al., 2023).

In article 54 Law Number 35 of 2014 also stipulates that every child has the right to receive protection from acts of violence at school, as follows (Solichin et al., 2025):

- a. Children in and around the unit compulsory education requires protection from physical and psychological violence, sexual crimes, and crime other Whichcarried out by educators, education staff, fellow students, and/or other parties.

b. Protection. as referred to in paragraph (1) is carried out by educators, education personnel, government officials and/or the community.

In addition, the type of crime which is threatened against children as perpetrators of sexual violence in the form of criminal acts, namely the main criminal acts for children consist of warning criminal acts, criminal acts with Islamic law, Coaching outside the institution, Community service or supervision, job training, guidance in the institution and prison. However, in this case, because the child is still 5 (five) years old and cannot yet distinguish between right and wrong and is not yet old enough to commit a crime, then the perpetrator's parents can be held responsible, due to the lack of supervision. from person old soa child can freely access inappropriate videos seen especially by Children. Additional penalties include confiscation of profits obtained from criminal acts or fulfillment of customary obligations (Aprilianda, 2017). Children under 12 (twelve) years of age are only subject to non-criminal action. Meanwhile, children aged 12 (twelve) years and older are twelve) but Not yet aged 18 (eighteen) years can be requested responsibility.

According to Article 330 paragraph (1) of Law Number 1 of 1974 concerning Marriage, minors are those who have not reached the age of 21 (twenty one) years and have not married according to Article 330 of the Civil Code. Children are spiritually, physically, or socially not yet have the ability to stand alone or live alone. Bond Which arise between child IN INDONESIA, Journal of Gender and Social Inclusion In Muslim Societies Vol. 3, No. 1, (2022).

with parents consists of rights and obligations, rights and obligations themselves are a reciprocal relationship. In terms of obligations Parenting is a responsibility that must be fulfilled. Parents are not only responsible for meeting their children's material needs, but also for providing attention and affection. Indonesia itself has numerous regulations governing parental responsibilities, sometimes more than one (Wiarti & Umar, 2021).

The Human Rights Law and the Witness and Victim Protection Law provide legal protection for children as victims of sexual violence. However, in practice, these are still ineffective in preventing and rehabilitating child victims of bullying due to the unequal distribution of rehabilitation facilities for child victims of sexual violence. The limited resources of guidance and counseling teachers with psychological expertise require the involvement of all parties, including families and the community. until government teach holding their respective roles and responsibilities to provide protection and ensure the fulfillment of children's human rights.

On beginning year 2024, in Pekanbaru, Riau surprised by case abuse Which It was done by a kindergarten child. It is very unfortunate that the perpetrator abused his own friend. The victim admitted that his friend had been carrying out the abuse since October 2023. The case only came to light in January 2024. because victim interrogated by his father after his behavior changed. The perpetrator confessed that he practices What Which He see the moment He borrow mobile phone his father.

However, the school and the perpetrator's parents denied the incident and kept quiet about it. Even though the victim's parents had tried to communicate with them, case to parents and the school. In addition, the victim's parents have also reported the incident to PPA unit and even the police, but there was no follow-up regarding this case, until the victim's mother made it viral in media social to get attention more from society to get justice in this case (Evy Harjono et al., 2023).

This case demonstrates that law enforcement officials in this country are still selective in resolving cases. In this case, involving a child, there was no serious action taken, even though it went viral on social media. Even the perpetrator and the perpetrator's parents seemed to be in a state of disrespect, protected by the school. In this case, because the perpetrator is child which is still a minor and has not yet reached puberty, so the perpetrator's parents should be blamed in this case. Lack of parental supervision is the main factor that causes children to deviate. Besides that, the importance of sex education from an early age is also important, so that children can be given understanding and guidance on good things (Rizqian, 2021). Responding to this case, psychology expert from Airlangga University (Unair) Dr Neny Nur Ainy Fardana M Si regretted that something like this could happen to young children. Whereas, time PAUD-TK should be a fun time for student. Factor

Their surrounding environment can make the activities and behavior of people around them as example. Albert Bandura termed this concept social modeling. Early childhood children tend to observe other people's behavior and process it abstractly. They receive information raw, then "Parents' role is not only as companions, but also as providers of understanding so that children can later interpret and absorb the good things around them, whether in the form of entertainment, behavior, or habits," he said.

Children's intense curiosity drives them to try new things (Kadir et al., 2020). They store information that piques their curiosity and then try to put it into practice. Therefore, professional guidance or assistance is necessary for victims. Both the perpetrator and the victim need to receive support from parents and professionals. This is because harassment during childhood children can cause (Sepud, 2020).

Trauma that has a significant impact on their survival. Victims are helped to recover from their trauma. Meanwhile, perpetrators must be provided with guidance and understanding that their actions were wrong. Furthermore, parents must be more careful in their behavior, lest their children imitate bad behavior. "Wrong parenting makes children fragile, right parenting makes children resilient." Hopefully, this incident will not happen again, and parents will be more careful in their actions. person Parents must be proactive in their children's growth and development.

### **Factor Obstacle Which Faced in the Process of Implementing the Child Protection Law**

Protection child formed with the aim of ensuring that children's needs are met so that they can live, grow, develop and participate optimally in accordance with human dignity and honor, and receive protection from violence and discrimination in order to

realize children who are quality, noble character and prosperous (Mahendra & Harefa, 2020).

Internal obstacles are obstacles that originate from within law enforcement agencies and related agencies. 9 There are several internal obstacles faced by the Police, Social Services and Population Control, Family Services, Planning, Women's Empowerment, and Child Protection, in implementing legal protection for child victims of violence, include limited human resources (HR), limited government budget, and a lack of facilities to protect victims of violence, especially minors. Sex education or reproductive health education, more popularly provided to children or young adults, through formal or informal education (Ghoni & Pujiyono, 2020). This is important to avoid bias in sex education and reproductive health knowledge among adolescents. Considering various phenomena occurring in Indonesia, it seems that there are still pros and cons in society. Because existence The assumption that talking about sex is taboo and that sex education will encourage teenagers to have sex. Most people still view the stereotype of sex education as vulgar.

Some opinions emphasize that "sex education" is worthy of being included in the general curriculum, especially when students are in their teenage years. Puberty. "Sex education" is crucial for anticipating, recognizing, or preventing nonconsensual sexual activity and potentially avoiding other negative impacts. This means that society has proven that during puberty, many teenagers simply engage in activities to satisfy their desires, curiosity, or simply following trends to engage in inappropriate behavior. They are unaware that their actions will creating new problems that could harm their future.

Furthermore, external obstacles are obstacles that come from outside law enforcement agencies. law and servicerelated. 10 In this case, there are several external obstacles faced by the Police, Social Services and Population Control, Family Planning, Women's Empowerment and Child Protection Services, in implementing legal protection for child victims of violence, namely obstacles in gathering information from victims of sexual violence, parents victims who are less willing to fight for their children's rights due to the lengthy legal process, and the public who are reluctant to care and understand the impact of these acts of violence (M. M. F. Aulia & Mukrimun, 2022).

Obstacles in implementing legal protection for children Which become victims of violence occur due to several factors, namely:

- a. Victims who are difficult to ask for information or statements because the victim is still a toddler and the victim still feels afraid and traumatized.
- b. Victim's family or relatives Which minimal inprovide sexual education from an early age and
- c. The community around the victim's school did not want to give testimony during the police investigation or in court because they were afraid of facing the law.

According to Darwan Prints (Ananda, 2018) that Obstacles to enforcing children's rights in Indonesia include:

- a. Related implementation of law enforcement, this concerns the ability from for law enforcement officers, as well as supporting infrastructure

- b. Regarding government programs that have not all been implemented effectively, we can see that in terms of economic capacity, the majority of people in Indonesia are still relatively low.
- c. Next regarding the regulations very legislation needed For
- d. child protection can still be said to be incomplete.
- e. Lack of digital knowledge among the public, especially parents, regarding child rearing patterns in today's era.
- f. Lack of understanding from institutions or agencies related and the community about provision provisions in the Convention on the Rights of the Child.
- g. There is no child protection agency that specifically handles the problem of children who are mistreated , for example children who are victims of rape. persecution and exploitation.
- h. Coordination between schools, government social organizations and parents is very necessary.

Based on Soerjono Soekanto's opinion, Factors related to the enforcement of child protection laws, namely:

#### 1. Legal factors Normatively

There are already quite a lot of rules arrange problem Child protection begins with international regulations such as the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Convention on the Rights of the Child. Then, in national laws, protection children are regulated in various regulations, including the 1945 Constitution ,Law Number 39 of 1999 concerning Human Rights, Law Number 23 2002 concerning Child Protection and various other regulations governing the protection of children from the womb to adulthood (Sugita, 2022).

#### 2. Factor law enforcer

In this case, law enforcement can be said to be very poor. This can be seen from there is a delay in the agency in handle cases sexual violence against children. In some cases, it is even difficult to get law enforcement to handle cases before they go viral or become widely publicized. attention from public (Putri et al., 2024).

#### 3. Means or factors facility (G. Aulia et al., 2024)

Furthermore, the infrastructure factor can be said to be insufficient to provide protection. to children. It seems like there is still a lack of energy professional who fully concentrate on protection children, in this case the Indonesian Child Protection Commission (KPAI) has a very important role in providing efforts to protect children (Sania & Utari, 2020).

Reasons Why Many Cases Go Unreported Many cases of violence against minors in Surakarta have not been reported due to the following reasons:

#### a. Afraid And Stigma:

- a. Victims and families fear the consequences of reporting, such as retaliation from the perpetrator, ostracism from public, or family shame is revealed.
- b. Stigma towards victims, such as being considered "bad kids" or "girls" easy", making them reluctant to report.

b. Economic and Emotional Dependence (Julius et al., 2024):

- a. Victim, especially child Which living with the perpetrator, economically and emotionally dependent on the perpetrator.
- b. The feeling of love and obedience to parents/family makes it difficult for them to report (Suryani, 2021).

c. Lack of Knowledge and Understanding:

- a. Victims and families do not know their rights and do not understand the reporting process.
- b. Lack of socialization and education about preventing and handling child violence.

d. Weakness Enforcement Law:

- a. Distrust of the legal system and law enforcement officials.
- b. A long and complicated legal process.
- c. Concerns for the safety of victims and witnesses if their identities are revealed.

e. Culture Patriarchy and Normative:

- a. Society's view that disciplinary action is reasonable harsh on children, including physical violence.
- b. Patriarchal culture places women in a subordinate position and makes them vulnerable to violence (Prasetyo, 2020).

As for efforts Which can carried out to overcome this problem, namely:

1. Increase education And socialization about rights children and violence prevention.
2. Build system reporting which is easily accessible, child-friendly, and confidentiality is guaranteed.
3. Strengthen enforcement law and provide strict sanctions for the perpetrators.
4. Build culture Which honor child And upholding gender equality.
5. Involving various parties, including families, schools, communities, And institution related, in efforts to prevent and handle violence against children.

With cooperation from various parties, it is hoped that the level of child (Surbakti & Zulyadi, 2019) violence in Surakarta can be resolved as well as possible, so that every... child can live safely and unaffected and free from violence. Data Violence Children of Musi Rawas Regency, South Sumatra

#### 4. CONCLUSION

- a. The implementation of the Child Protection Law is proven with the resolution of the case of sexual violence against children that occurred in the city of Pekanbaru, Riau, it is proof that in law enforcement and the implementation of work programs in providing assistance to victims of sexual violence in children are still very lacking, the process of resolving the case can be said to be quite slow carried out through legal channels or mediation. In fact, the case must first be widely spread in the media so that the authorities are willing to handle the case.
- b. There are several factors in providing legal protection for child victims of crime. Sexual. that is, factor law in a way normative law enforcement factors facilities and

cultural factors. Further obstacles arise from the attitudes and tendencies of the community surrounding the sexual violence, which appears to reject it due to a lack of concern for others. Then, because the victim and perpetrator are children who are still minors, this makes the investigation difficult because of the innocence and naivety of children who cannot yet be explain something in detail.

## SUGGESTION

1. It is hoped that the women's empowerment and child protection service Riau City is able to implement prevention and treatment for children who need protection. with using a cooperative approach from a small environment that is applied evenly in providing sex education to children since early, through Workequal between institutions and society.
2. By paying attention to the situation and conditions of the times which are constantly changing, sexual crimes against children are becoming increasingly diverse, legal reforms and breakthroughs are needed, as well as improvements in the means and facilities that support legal protection for child victims of crime. abuse sexual or indecent assault.

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